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Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 427—COTTON

Notice of Applicability of Provisions Contained in 1960 Agricultural Appropriation Act—Public Law 86-80 to Upland Cotton and Extra Long Staple Cotton

The provision in the Department of Agriculture and Farm Credit Administration Appropriation Act for the fiscal year 1960 (P.L. 86-80) placing a limitation on the amount of price support which may be extended by Commodity Credit Corporation to any person reads as follows:

Provided further, (1) That no part of this authorization shall be used to formulate or carry out a price support program for 1960 under which a total amount of price support in excess of $50,000 would be extended through loans, purchases, or purchase agreements made or made available by Commodity Credit Corporation to any person on the 1960 production of any agricultural commodity declared by the Secretary to be in surplus supply, unless (a) such person shall reduce his production of such commodity from that which such person produced the preceding year, in such percentage, not to exceed 20 per centum, as the Secretary may determine to be essential to bring production in line within a reasonable period of time with that necessary to provide an adequate supply to meet domestic and foreign demands, plus adequate reserves, or (b) such person shall agree to repay all amounts advanced in excess of $50,000 for any agricultural commodity within twelve months from the date of the advance of such funds or at such later date as the Secretary may determine, (2) that the term "person" shall mean an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof, (3) that in the case of any loan to, or purchase from, a cooperative marketing organization, or with regard to price support on an agricultural commodity extended by purchases of a product of such commodity from, or by loans on such product to, persons other than the producers of such commodity, such limitation shall not apply to the amount of price support received by the cooperative marketing organization, or other persons, but the amount of price support made available to any person through such cooperative marketing organization or other persons shall be included in determining the amount of price support received by such person for purposes of such limitation, and (4) that the Secretary of Agriculture shall issue regulations prescribing such rules as he determines necessary to carry out this provision.

To implement the above provisions of the Act, notice is hereby given of the following:

1. Upland cotton and extra long staple cotton have been declared to be in surplus supply for the purpose of P.L. 86-90 and the provisions of the Act are applicable to such commodities. The term "commodity" hereinafter used in this notice shall be deemed to refer separately to upland cotton and to extra long staple cotton.

2. Each producer shall be required to make a 20 percent reduction in the production of the commodity in 1960 below his 1959 production in order to be eligible for nonrecourse price support on the commodity in excess of $50,000. The reduction in production shall be made on an acreage basi, and the acreage represented by such reduction shall not be put into production of the commodity by any other person. In the case of upland cotton, the requirement of a 20 percent reduction from the 1959 acreage will apply regardless of whether the producer elected Choice (A) or Choice (B) in 1959 or whether he elects Choice (A) or Choice (B) in 1960.

3. Price support advances in excess of $50,000 on the commodity for which the producer has not made the required reduction of production shall be made only through recourse price support loan advances. Producers affected by this provision shall be extended rights of repayment for twelve months after the final price support availability date for the commodity.

4. In case a person receives price support advances in excess of $50,000 and such person is ineligible for unlimited nonrecourse price support, the amount due on a recourse basis shall be the amount advanced in excess of $50,000 plus interest and charges on the amount in excess of $50,000. Charges shall in-

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clude storage and other applicable charges paid or payable by CCC with respect to the loan collateral relating to the recourse advance. In the event any person does not repay the recourse advance when due, CCC shall have the right to sell the collateral securing the recourse advance. Further, if it is determined by CCC the commodity can no longer be held because of danger of loss, damage, or deterioration, or other reasons and the commodity is not redeemed, CCC may dispose of the commodity prior to the date when the recourse advance is to be repaid in such manner as it deems best to protect the interests of CCC and the person. Upon sale of the collateral, the net proceeds will be credited to such person's recourse indebtedness. Any amount by which the net proceeds exceeds the recourse indebtedness for any person shall be paid to such person. Any unliquidated balance due CCC shall be collected by appropriate means.

5. The limitations on nonrecourse price support apply to the 1960 crop of the commodity.

6. Provisions implementing this notice, including provisions which will preclude arrangements entered into by producers in the production of cotton on farms in 1960 from having the effect of circumventing these provisions of law, will be included in regulations to be issued by the Department of Agriculture at a later date.

(Secs. 1–8 issued under Pub. Law 86–80)

Issued this 11th day of December 1959.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59–10704; Filed, Dec. 16, 1959; 8:49 a.m.]

PART 468—MOHAIR

Subpart—Payment Program for Mohair

§ 468.161 Payment program for mohair.

(a) *Announcement of program.* The Commodity Stabilization Service and Commodity Credit Corporation hereby announce a payment program for mohair pursuant to the National Wool Act of 1954, as amended. The program will be carried out under the general supervision and direction of the Executive Vice President of Commodity Credit Corporation through the Commodity Stabilization Service.

(b) *Level of price support for 1960 marketing year.* The price of mohair sold in the 1960 marketing year (April 1, 1960, through March 31, 1961) will be supported at a level which will yield a national average return to producers of 70 cents per pound for all mohair sold in that marketing year. The price of mohair will be supported by payments to producers if the national average return to producers for all mohair sold in the 1960 marketing year is less than the support level of 70 cents per pound. Mohair prices are now above that level.

(c) *Provisions of regulations.* If market conditions become such that it appears that payments to producers will be necessary, regulations containing the detailed program requirements will be issued. Such regulations will be generally similar to the regulations dealing with shorn wool payments which are included in the Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool), issued by Commodity Credit Corporation and the Commodity Stabilization Service on January 27, 1959 (24 F.R. 649), except that there will be no deductions from payments under the mohair program based on any purchases of goats. Applicants for payments under the mohair program will submit sales documents meeting the requirements as to sales documents for shorn wool in the previously mentioned wool payment program (§§ 472.1007 and 472.1008 of this chapter), and producers of mohair are cautioned to obtain and keep such documents for use under the mohair program if mohair payments should be made.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 702–709, 68 Stat. 910–912, secs. 401–403, 72 Stat. 994–995; 15 U.S.C. 714c, 7 U.S.C. 1781–1787, 1446)

Issued this 14th day of December 1959.

WALTER C. BERGER,
Executive Vice President, Commodity Credit Corporation, and Administrator, Commodity Stabilization Service.

[F.R. Doc. 59–10705; Filed, Dec. 16, 1959; 8:49 a.m.]

[Amdt. 1]

PART 472—WOOL

Subpart—Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool)

INCENTIVE LEVEL FOR 1960 MARKETING YEAR

The regulations issued by Commodity Credit Corporation and the Commodity Stabilization Service containing the requirements with respect to the payment program for shorn wool and unshorn lambs (pulled wool), 24 F.R. 649, are amended as follows:

1. At the end of § 472.1002, insert the following new paragraph (c):

(c) *1960 marketing year.* For the 1960 marketing year, the price support level was announced on October 15, 1959, as 62 cents per pound of shorn wool, grease basis.

2. Delete the first sentence of § 472.1058 and substitute therefor the following new sentences: "The applicant for a payment under this subpart as well as his marketing agency and any other person who furnishes evidence to such an applicant for the purpose of enabling him to receive a payment under this program, shall maintain books, records, and accounts showing the marketing of wool or lambs, as the case may be, on which an application for payment may be based, and shall maintain those books, records, and accounts for three years following the end of the specified marketing year during which the marketing took place. The applicant shall also maintain books, records, and accounts showing his purchases of lambs on or after April 1, 1956. He shall maintain them for three years following the end of the specified marketing year during which any part of the wool shorn from such lambs has been marketed or during which any such lambs have been marketed, as the case may be. If the applicant is required to report on a 'first in, first out' basis pursuant to § 472.1010(b) or § 472.1026(b), he shall maintain such books, records, and accounts of purchased lambs for three years following the end of the specified marketing year for which the purchased lambs are to be reported in accordance with those sections."

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 702–709, 68 Stat. 910–912, secs. 401–403, 72 Stat. 994–995; 15 U.S.C. 714c, 7 U.S.C. 1781–1787, 1446)

Issued this 14th day of December 1959.

WALTER C. BERGER,
Executive Vice President, Commodity Credit Corporation, and Administrator, Commodity Stabilization Service.

[F.R. Doc. 59–10706; Filed, Dec. 16, 1959; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 38; Amdt. 45–4]

PART 45—COMMERCIAL OPERATOR CERTIFICATION AND OPERATION RULES

Postponement of Effective Date of Amendment

Part 45 of the Civil Air Regulations presently contains provisions which are applicable to commercial operators who conduct operations in small aircraft.

Civil Air Regulations Amendment 45–2 (24 F.R. 90), adopted by the Civil Aeronautics Board concurrently with Part 47, made these operators subject to the applicable provisions of a new Part 47 which was to have become effective on July 1, 1959; later changed to December 31, 1959, by Civil Air Regulations Amendment 47–1. Additionally, it was necessary to change the effective date of Civil Air Regulations Amendment 45–2 to December 31, 1959.

A general revision of new Part 47 is being processed but it will not be completed in time to be made effective by December 31, 1959; therefore, the effec-

tive date of the part will be postponed to July 1, 1960. Accordingly, the effective date of Civil Air Regulations Amendment 45–2 likewise must be postponed to July 1, 1960. This action will continue the operations of small aircraft in air commerce under the presently effective rules and regulations.

Since this regulatory action imposes no additional burden upon any person, notice and public procedure hereon are unnecessary, and good cause exists for making the amendment effective on less than 30 days' notice.

In consideration of the foregoing, the effective date of Civil Air Regulations Amendment 45–2 (24 F.R. 90) as amended by CAR Amdt. 45–3 (24 F.R. 5289) is hereby postponed from December 31, 1959, to July 1, 1960.

This amendment shall become effective on December 17, 1959.

(Sec. 313(a), 72 Stat. 752, 49 U.S.C. 1354(a), Section 601, 72 Stat. 775, 49 U.S.C. 1421)

Issued in Washington, D.C., on December 11, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59–10653; Filed, Dec. 16, 1959; 8:45 a.m.]

[Reg. Docket No. 37; Amdt. 47–2]

PART 47—AIR TAXI CERTIFICATION AND OPERATION RULES AND RULES GOVERNING OTHER SMALL AIRCRAFT COMMERCIAL OPERATIONS

Postponement of Effective Date of Part 47

On June 24, 1959, Civil Air Regulations Amendment 47–1 was issued to postpone the effective date of Part 47 of the Civil Air Regulations from July 1, 1959, to December 31, 1959. The reason for the postponement was to permit the general revision of the part to include coverage of Alaskan air taxi operators and other air carrier operations with small aircraft. It was also proposed to expand the part to include all necessary manual material and information to implement the part; thus eliminating the need for separate FAA publications to provide this information.

The proposed revision has been completed and will be published as a notice of proposed rule making. The interval between now and December 31, 1959, is not sufficient to give industry an opportunity to comment, and to adopt and implement the part. For these reasons, the effective date of the part will be postponed to July 1, 1960, to afford time for analysis of comments and for industry preparation to comply with the new requirements. In the meantime, all operators of small aircraft will continue to conduct their operations in accordance with the small aircraft provisions of Part 42.

Since this regulatory action imposes no additional burden upon any person, notice and public procedure hereon are unnecessary, and good cause exists for making the amendment effective on less than 30 days' notice.

In consideration of the foregoing, the effective date of Part 47 of the Civil Air Regulations (42 F.R. 91) as amended by CAR Amdt. 47–1 (24 F.R. 5289) is hereby postponed from December 31, 1959, to July 1, 1960.

This amendment shall become effective on December 17, 1959.

(Sections 313(a), 601, 604, 72 Stat. 752, 775, 778; 49 U.S.C. 1354, 1421, 1424)

Issued in Washington, D.C., on December 11, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59–10654; Filed, Dec. 16, 1959; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 211; Amdt. 68]

PART 507—AIRWORTHINESS DIRECTIVES

Vertol 44 Series Helicopters

Service experience has established that cracks are likely to occur in the rotor blades of Vertol 44 Series helicopters which render the blades unsafe for any further use.

It is necessary in the interests of safety to require that these blades be inspected daily for cracks, to require replacement before the next flight when cracks are found, and to limit the service life of such blades. Therefore, I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable and would be contrary to the public interest, and that good cause exists for making this amendment effective immediately.

Actual notice of this directive was addressed to all known operators of Vertol 44 Series helicopters by telegram dated October 14, 1959, except that the service life of the forward rotor blades was limited to 1,350 hours rather than the 800 hours provided in this amendment. Subsequent analysis by the manufacturer has shown that such a reduction in service life is necessary to provide adequate assurance against recurrence of blade failure.

In consideration of the foregoing, § 507.10(a), (14 CFR Part 507), is hereby amended by adding a new airworthiness directive to read as follows and to become effective on the date of publication in the FEDERAL REGISTER:

59–25–2 VERTOL. Applies to all Vertol 44 Series helicopters.

Using a 10-power magnifying glass conduct daily visual inspection of external surfaces of rotor blades, P/N 42R 1002, between the root and Station 210 for cracks in skin or spar. If cracks are found blades must be replaced prior to next flight. All forward rotor blades P/N 42R 1002–1, –5, –7, –9, –11, –13, –15, –19, –90, –130, –131, –132, –150 and –152 must be retired at 800 hours of service time and all aft rotor blades P/N 42R 1002–2, –4, –6, –20, and –40 must be retired at 1,350 hours of service time.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 7, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59–10652; Filed, Dec. 16, 1959; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—POLICIES, PROCEDURE, AND ORDERS

[Docket 7541 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Charles Cappell et al.

Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1875 *Non-standard character of product;* § 13.1886 *Quality, grade or type of product.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Charles Cappell et al. trading as Cappell Trading Company, New York, N.Y., Docket 7541, Oct. 28, 1959]

In the Matter of Charles Cappell, Israel Cappell, and Jacob Cappell, Individually and as Co-partners Trading as Cappell Trading Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging New York City distributors of hosiery with selling without clear disclosure that it was not first quality, imperfect hosiery which they purchased and repaired, if required, and dyed and sold to retailers with no marking to indicate its imperfect quality.

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on October 28 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Charles Cappell, Israel Cappell, and Jacob Cappell, individually and as co-partners trading as Cappell Trading Company, or under any other name, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of imperfect hosiery, or other imperfect products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Selling or distributing any such product without clearly and conspicuously marking it with the words "imperfect," "second quality", or "irregular," or some other word or words of similar import, in such manner that such markings cannot be readily obliterated.

2. Representing in any manner, directly or by implication, that any such product is of first quality.

By "Decision of the Commission," etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 28, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-10661; Filed, Dec. 16, 1959; 8:45 a.m.]

[Docket 7524 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

A. & J. Engel, Inc.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act; § 13.155 *Prices:* Exaggerated as regular and customary; fictitious marking. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act; § 13.1886 *Quality, grade or type of product.* Subpart—*Using misleading name*—Goods: § 13.2280 *Composition:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, A. & J. Engel, Inc., New York, N.Y., Docket 7524, Nov. 4, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City furrier with violating the Fur Products Labeling Act by labeling products deceptively with respect to animals producing furs; by failing to include required information on labels and invoices; by advertising in newspapers which failed to disclose the names of animals producing certain furs or that fur products contained artificially colored or cheap or waste fur, contained names of animals in addition to those producing the fur in fur products, represented prices as reduced from previous higher prices without giving time of such compared prices, and as reduced from regular prices which were in fact fictitious; and by failing to maintain adequate records as a basis for such pricing claims.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on November 4 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent A. & J. Engel, Inc., a corporation, and its officers and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act;

B. Failing to affix labels to fur products showing the item number or mark assigned to a fur product;

C. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured;

D. Setting forth on labels affixed to fur products information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information;

E. Failing to set forth all the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on one side of said labels;

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products invoices showing all of the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act;

B. Failing to furnish purchasers of fur products invoices showing the item number or mark assigned to a fur product;

C. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form;

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

A. Fails to disclose:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(3) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

B. Sets forth the name or names of any animal or animals in addition to the name or names specified in section 5(a)(1) of the Fur Products Labeling Act;

C. Represents, directly or by implication, that the former or regular price of any fur product is any amount which is in excess of the price at which respondent has formerly, usually, or customarily sold such products in the recent regular course of its business;

D. Represents, directly or by implication, that prices of fur products are reduced from previous higher prices without giving the time of such compared prices;

4. Making pricing claims or representations of the types referred to in paragraphs 3 C and D above, unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims or representations are based;

5. Misrepresenting in any manner the amount of savings available to purchasers of respondent's merchandise or the amount by which said merchandise is reduced from the price at which it is usually and customarily sold by respondent in the regular course of its business.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent A. & J. Engel, Inc., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: November 4, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-10662; Filed, Dec. 16, 1959; 8:45 a.m.]

[Docket 6670 o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Erie Sand and Gravel Co.

Subpart—*Acquiring stock, or assets, etc., of competitor:* § 13.5 *Acquiring stock, or assets, etc., of competitor.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpets or applies sec. 7, 38 Stat. 731; 15 U.S.C. 18) [Cease and desist order, Erie Sand and Gravel Company, Erie, Pa., Docket 6670, October 26, 1959.]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging the second largest supplier with violating the anti-merger section of the Clayton Act by acquiring the largest supplier of lake sand in the

southern shore area of Lake Erie extending from Buffalo, N.Y., to Sandusky, Ohio, and thus eliminating its largest competitor and concentrating in a single supplier 92 percent of all lake sand sales in the area.

Following trial of the issues, the hearing examiner made his initial decision and order to cease and desist from which respondent's counsel appealed. The Commission, having considered the matter in full, handed down its opinion that the order was fully justified, denied respondent's appeal, and on October 26 adopted the findings, conclusions, and order contained in the initial decision as those of the Commission.

The divestiture order is as follows:

It is ordered, That the Respondent, Erie Sand & Gravel Company, through its subsidiaries, officers, directors, agents, representatives and employees, shall divest itself absolutely, in good faith, of all assets, properties, rights, leases and privileges acquired in the acquisition by the Erie Sand & Gravel Company of the assets of the Sandusky Division of the Kelley Island Company, as may be necessary to establish, as a competitive entity in the lake sand market of Lake Erie, a unit comparable to the former Sandusky Division of the Kelley Island Company, in substantially the same basic operating form and with substantially the same productive capacity as possessed by the said former Sandusky Division of the Kelley Island Company at or about the time of the said acquisition; except that Respondent, Erie Sand & Gravel Company, shall not be required to divest itself of the equivalent of the vessel "Kelley Island".

It is further ordered, That in such divestiture none of the property rights, leases and privileges involved shall be sold or transferred, directly or indirectly, to anyone who, at the time of such divestiture, shall be a stockholder, officer, director, employee, or agent of Respondent or any of the Respondent's subsidiaries or affiliated companies, or otherwise directly or indirectly connected with or under the control or influence thereof.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondent, Erie Sand and Gravel Company, shall, within sixty (60) days from the date of service upon it of this order, submit in writing, for the consideration and approval of the Federal Trade Commission, its plan for compliance with this order, including the date within which compliance can be effected, the time for compliance to be hereafter fixed by order of the Commission, jurisdiction being retained for these purposes.

Issued: October 26, 1959.

By the Commission.

ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-10663; Filed, Dec. 16, 1959; 8:45 a.m.]

[Docket 7504 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Lowenthal's, Inc., et al.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act; § 13.1886 *Quality, grade or type of product.* Subpart—*Using misleading name*—Goods: § 13.2280 *Composition:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Lowenthal's, Inc., et al., Cincinnati, Ohio, Docket 7504, October 29, 1959]

In the Matter of Lowenthal's Inc., a Corporation, and William Lowenthal, Jack Jacobs, and Herschel Lowenthal, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Cincinnati furrier with violating the Fur Products Labeling Act by failing to set forth such terms as "Persian Lamb" and "Dyed Mouton-processed Lamb" on labels, invoices, and in advertising; by advertising which failed to disclose the names of animals producing certain furs or that fur products contained artificially colored or cheap or waste fur, or contained names of animals other than those producing the fur in fur products; and by failing in other respects to comply with requirements of the Act.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on October 29 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Lowenthal's, Inc., a corporation, and its officers, and Jack Jacobs and Herschel Lowenthal, individually and as officers of said corporation, and William Lowenthal, as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale, in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing:

(1) In words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act;

(2) The item number or mark assigned to a fur product.

B. Setting forth on labels affixed to fur products:

(1) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form;

(2) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder, mingled with nonrequired information;

(3) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

C. Failing to set forth the term "Persian Lamb" in the manner required.

D. Failing to set forth the term "Dyed Mouton-processed Lamb" in the manner required.

E. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the required sequence.

F. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products an invoice showing:

(1) All of the information required to be disclosed by each of the sub-sections of section 5(b)(1) of the Fur Products Labeling Act;

(2) The item number or mark assigned to a fur product.

B. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

C. Failing to set forth the term "Persian Lamb" in the manner required.

D. Failing to set forth the term "Dyed Mouton-processed Lamb" in the manner required.

E. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or in-

directly, in the sale, or offering for sale of fur products, and which:

A. Fails to disclose:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(3) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact.

B. Sets forth the name or names of any animal or animals other than the name or names specified in section 5(a) (1) of the Fur Products Labeling Act.

C. Fails to set forth the term "Persian Lamb" in the manner required.

D. Fails to set forth the term "Dyed Mouton-processed Lamb" in the manner required.

E. Sets forth the term "blended" as part of the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe the pointing, bleaching, dyeing or tip-dyeing of furs.

F. Fails to set forth the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in type of equal size and conspicuousness and in close proximity with each other.

It is further ordered, That the complaint be, and it hereby is, dismissed as to William Lowenthal, individually, but not as officer of said corporate respondent.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents except respondent William Lowenthal, individually, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 29, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-10664; Filed, Dec. 16, 1959; 8:45 a.m.]

[Docket 7407 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Royal Sewing Machine Corp. et al.

Subpart—*Advertising falsely or misleadingly:* § 13.70 *Fictitious or misleading guarantees;* § 13.110 *Indorsements, approval, and testimonials;* § 13.155 *Prices:* Exaggerated as regular and customary; fictitious marking; § 13.265 *Tests and investigations.* Subpart—*Claiming or using indorsements or testimonials falsely or misleadingly:* § 13.330 *Claiming or using indorsements or testimonials falsely or misleadingly.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1810 *Fictitious marking.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Royal Sewing Machine Corporation et al., Brooklyn, N.Y., Docket 7407, Oct. 29, 1959]

In the Matter of Royal Sewing Machine Corporation, a Corporation, and Jack Schneider, Norman Epstein, and Jacob Epstein, Individually and as Officers of Said Corporation, and Trading and Doing Business as Edison Sewing Machine Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging Brooklyn, N.Y., distributors with representing falsely in advertising and instruction booklets that their vacuum cleaner and sewing machines sold at fictitiouly high retail prices; that their sewing machines were advertised in "Life", "McCall's Needlework & Crafts", and other national magazines, and had been "Tested and Approved by Laboratories of Federal Testing Co., Inc., New York"; and that their products were guaranteed in every respect and covered by a bond or service insurance policy, by use of such words and expressions as "Lifetime Service Guarantee", "25 Year Guarantee Bond", etc.

After acceptance of an agreement providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on October 29 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Royal Sewing Machine Corporation, a corporation, and its officers, and respondents Jack Schneider, Norman Epstein and Jacob Epstein, individually and as officers of said corporation, and trading and doing business as Edison Sewing Machine Company, or trading and doing business under any other name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of vacuum cleaners, sewing machines or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That any price is the usual and regular retail price of merchandise when it is in excess of the price at which said merchandise is usually and regularly sold at retail in the normal course of business;

(b) That any merchandise sold or offered for sale is guaranteed, unless the nature and extent of the guarantee and manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed;

(c) That any merchandise sold or offered for sale is covered by a bond or any kind of service insurance policy;

(d) That any product has been tested or approved by Federal Testing Co., Inc.; or has been tested or approved by any other organizations, when such is not the fact;

(e) That any product has been advertised in Life, McCall's Needlework & Crafts, or has been advertised in any other publication, when such is not the fact.

2. Placing in the hands of others, means or instrumentalities which may be used to misrepresent the regular and usual retail prices of merchandise.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 29, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-10665; Filed, Dec. 16, 1959; 8:46 a.m.]

SUBCHAPTER B—TRADE PRACTICE CONFERENCE RULES

[File No. 21-526]

PART 48—TIRE AND TUBE REPAIR MATERIAL INDUSTRY

Promulgation of Trade Practice Rules

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of December 17, 1959.

Statement by the Commission. Trade practice rules for the Tire and Tube Repair Material Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

The industry for which these rules are established is composed of persons, firms, corporations and organizations engaged in the manufacture and sale, or importation and sale, of tire or tube patches, plugs, boots, rubber or metal replacement or repair valves, valve cores, valve caps, patch kits, cement, clamps, friction tape, cold patches, vulcanizing patches, tire chemical cleaners, solvents, or similar materials and tools used in the repair or maintenance of tires and tubes. Tread rubber, tire liners, tire gauges, tire paint, and equip-

ment used in removing tires from wheels or remounting thereon, are not products of such industry.

Proceedings for the establishment of these rules were instituted pursuant to an industry application. A general industry conference was held under Commission auspices in Washington, D.C., on January 20, 1959, at which proposals for rules were submitted for consideration of the Commission. Thereafter, proposed rules were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions or amendments as they desired to offer, and to be heard in the premises. Pursuant to such notice a public hearing was held in Washington, D.C. on September 23, 1959, and all matters there presented, or otherwise received in the proceeeding, were considered by the Commission.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth.

The rules, as approved, become operative thirty (30) days after the date of promulgation.

The Rules: These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

Group I: The unfair trade practices embraced in the rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission, and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

Sec.

AUTHORITY: §§ 48.0 to 48.18 issued under sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.

§ 48.0 The industry and its products defined.

(a) Products of the industry include tire and tube patches, plugs, boots, rubber or metal replacement or repair valves, valve cores, valve caps, patch kits, cement, clamps, friction tape, cold patches, vulcanizing, patches, tire chemical cleaners, solvents, and similar materials and tools used in the repair or maintenance of tires and tubes. Tread rubber, tire liners, tire gauges, tire paint, and equipment used in removing tires from wheels or remounting thereon, are not included.

(b) Members of the industry are persons, firms, corporations, and organizations engaged in the manufacture and sale, or importation and sale, of any such products.

GROUP I

§ 48.1 Misrepresentation and deception in general.

It is an unfair trade practice to use, or cause or promote the use of, any statement, representation, guarantee, or warranty by way of advertising (through newspapers, magazines, circulars, booklets, or any other medium), labeling of containers, descriptions in catalogs, oral representations, or otherwise, which has the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public with respect to the grade, quality, quantity, substance, character, origin, type, size, preparation, manufacture, or distribution of any product of the industry, or of the character, permanence, or effectiveness of the repairs that can be made therewith. [Rule 1]

§ 48.2 Imitation or simulation of trademarks, trade names, etc.

The imitation or simulation of the trade-marks, trade names, brands, or labels of competitors, with the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 2]

§ 48.3 Inducing breach of contract.

(a) Knowingly inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or between competitors and their suppliers, or interfering with or obstructing the performance of any such contractual duties or services, under any circumstance having the capacity and tendency or effect of substantially injuring or lessening present or potential competition, is an unfair trade practice.

(b) Nothing in this section is intended to imply that it is improper for any industry member to solicit the business of a customer of a competing industry member; nor is the section to be construed as in anywise authorizing any agreement, understanding, or planned common course of action by two or more industry members not to solicit business from the customers of either of them, or from customers of any other industry member. [Rule 3]

§ 48.4 Commercial bribery.

It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, salesclerks, employees, or representatives of customers or prospective customers of an industry member, without the knowledge of the employers or principals of such agents, salesclerks, employees, or representatives, as an inducement:

(a) To influence such employers or principals to purchase or contract to purchase products manufactured or sold by the industry member; or

(b) To influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors; or

(c) For the purpose of causing said agents, salesclerks, employees, or representatives to push and promote the resale of the industry member's products over competing products being offered for resale by the employers or principals of said agents, salesclerks, employees, or representatives. (See also § 48.14.) [Rule 4]

§ 48.5 Defamation of competitors or false disparagement of their products.

The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the quality, grade, origin, use, construction, design, manufacture, or distribution of the products of competitors, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 5]

§ 48.6 False invoicing.

Withholding from or inserting in invoices or sales slips any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices or sales slips, with the capacity and tendency or effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 6]

§ 48.7 Prohibited forms of trade restraints (unlawful price fixing, etc.) [1]

It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 7]

§ 43.8 False and misleading price quotations, etc.

It is an unfair trade practice for any industry member, in the course of or in connection with the offering for sale, sale, or distribution of industry products, to publish or circulate to or among purchasers or prospective purchasers false price quotations, price lists, or terms or conditions of sale; or to publish, or circulate among purchasers or prospective purchasers, any price quotations, price lists, or terms or conditions of sale which have the capacity and tendency or effect of thereby misleading or deceiving purchasers or prospective purchasers in any material respect. [Rule 8]

§ 48.9 Prohibited sales below cost.

(a) The practice of selling products of the industry at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect is, or where there is a reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or tend to create a monopoly, is an unfair trade practice.

(b) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued with the wrongful intent or purpose referred to and where the effect is, or where there is a reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or to create a monopoly. Among the situations in which the requisite purpose or intent would ordinarily be lacking are cases in which such sales were: (1) Of obsolescent goods; (2) made under judicial process; or (3) made in bona fide discontinuance of business in the goods concerned.

(c) As used in the foregoing paragraphs of this section, the term "cost" means the respective seller's cost and not an average cost in the industry whether such average cost be determined by an industry cost survey or some other method. It consists of the total outlay or expenditure by the seller in the acquisition, production, and distribution of the products involved, and comprises all elements of cost such as labor, material, depreciation, taxes (except taxes on net income and such other taxes as are not properly applicable to cost), and general overhead expenses incurred by the seller in the acquisition, manufacture, processing, preparation for marketing, sale, and delivery of the products. Not to be included are dividends or interest on borrowed or invested capital or nonoperating losses, such as fire losses and losses from the sale or exchange of capital assets. Operating cost should not be reduced by items of nonoperating income such as income from investments, and gain on the sale of capital assets.

(d) Nothing in this section shall be construed as relieving an industry member from compliance with any of the requirements of the Robinson-Patman Act. [Rule 9]

§ 48.10 Exclusive deals.

It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to lease or make a sale or contract for sale, of any industry product, for use, consumption, or resale within any place under the jurisdiction of the United States, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use or deal in the goods of a competitor or competitors of the lessor or seller, where the effect of such lease, sale, or contract for sale, or such condition, agreement, or understanding, may be to substantially lessen competition or tend to create a monopoly in any line of commerce. [Rule 10]

§ 48.11 Coercing purchase of one product as a prerequisite to the purchase of other products.

The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade, is an unfair trade practice. [Rule 11]

§ 48.12 Deception by means of "bogus independents."

It is an unfair trade practice for any member of the industry:

(a) To represent, directly or by implication, that a certain seller of industry products is independent of, or in competition with, said member, when such is not the fact; or

(b) To fail to disclose that any seller of industry products is not independent of, or not in competition with, said member, under circumstances where the failure to make such disclosure has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers. [Rule 12]

§ 48.13 Prohibited discrimination. [2]

(a) *Prohibited discriminatory price rebates, refunds, discounts, etc., which effect unlawful price discrimination.* is an unfair trade practice for any member of the industry engaged in commerce in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either or them: *Provided however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: Cost justification under the above proviso depends upon net savings in cost based on all facts relevant to the transactions under the terms of subparagraph (2) of this paragraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

[1] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952, 66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

[2] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

NOTE: Subsection (b) of section 2 of the Clayton Act, as amended, reads as follows: "Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor.

(b) *Examples of prohibited price differential practices.* The following are examples of price differential practices to be considered as subject to the prohibitions of paragraph (a) of this section when involving goods of like grade and quality which are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and which are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use, and when:

(1) The commerce requirements specified in paragraph (a) of this section are present; and

(2) The price differential has a reasonable probability of substantially lessening competition or tending to create a monopoly in any line of commerce, or of injuring, destroying, or preventing competition with the industry member or with the customer receiving the benefit of the price differential, or with customers of either of them; and

(3) The price differential is not justified by cost savings (see paragraph (a) (2) of this section); and

(4) The price differential is not made in response to changing conditions affecting the market for or the marketability of the goods concerned (see paragraph (a) (4) of this section); and

(5) The lower price was not made to meet in good faith an equally low price of a competitor (see paragraph (a) (5) of this section):

Example No. 1. At the end of a given period an industry member grants a discount to a customer equivalent to a fixed percentage of the total of the customer's purchases during such period and fails to grant a discount of the same percentage to other customers on their purchases during such period.[3]

Example No. 2. An industry member sells goods to one or more of his customers at a higher price than he charges other customers for like merchandise. It is immaterial whether or not such discrimination is accomplished by misrepresentation as to the grade and quality of the products sold.[3]

Example No. 3. A certain percentage discount for payment within a specified time is granted by an industry member to some customers on goods purchased by them from the industry member. Another customer or customers are, nevertheless, allowed to take an additional or larger discount when making payment to the industry member within the time prescribed.[3]

Example No. 4. An industry member sells goods to one or more of his customers at a lower price than he charges other customers therefor, basing his justification for the price difference on the fact that the favored customer or customers warehoused the goods they purchased from the member.[3]

Example No. 5. An industry member makes a sale of industry products to an outlet which is one of two or more outlets jointly owned and/or operated at a price less than the member charges for a like sale to another customer; or gives a rebate on the first mentioned sale to the parent organization owning and/or operating the outlet receiving the products so purchased and does not give such a rebate to the other customer.[3]

Example No. 6. An industry member makes a sale of industry products to a customer which is affiliated with a buying group at a price less than the member charges for a like sale to another customer which is not affiliated with a buying group; or gives a rebate on the first mentioned sale to the buying group organization but does not give such a rebate to the other customer.[3]

Example No. 7. An industry member sells to a customer, which operates as both a warehouse distributor and a jobber, industry products which the customer resells in its capacity as a jobber, and the member charges such customer a lower price therefor than he charges other jobbers for like products. (No inference is to be drawn from this example that the requirements of paragraph (a) of this section are not applicable with respect to sales at a lower price to one purchaser than to another purchaser because such purchasers are in different distributive levels, e.g., warehouse distributors, jobber, retailer, etc.)[3]

Example No. 8. An industry member invoices industry products to all his customers at the same price but supplies additional quantities of such products at no extra charge to one or more, but not all, such customers; or supplies other goods or premiums to one or more, but not all, such customers for which he makes no extra charge and which effects an actual price difference in favor of certain of his customers.[3]

Example No. 9. An industry member sells industry products to one or more of his customers at a lower price than he charges other customers therefor, basing his justification for the price differences solely on the fact that the favored customer or customers redistribute such products to branches or outlets which such customers own or operate.[3]

Example No. 10. An industry member sells industry products to one or more of his customers at a lower price than he charges other customers therefor, basing his justification for the price difference solely on the fact that the products sold at the lower price bear the private brand name of customers.[3]

Example No. 11. An industry member uses a graduated percentage rate of discounts or rebates to customers based upon their purchases during a given period. By reason of differing volumes of purchases customers competing in the resale of his products receive unequal rates of discount.[3]

(c) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(d) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(e) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities including, but not limited to, displays, exhibits, and promotional material connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

NOTE: See subsection (b) of section 2 of the Clayton Act, as amended, which is set forth in the note concluding paragraph (a) of this section.

(f) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section. [Rule 13]

[3] This is to be considered as an example of a practice which is violative of paragraph (a) of this section only when the conditions specified in that part of paragraph (b) of this section which precede Example No. 1 are present.

§ 48.14 Push money.

It is an unfair trade practice for any industry member to pay or contract to pay anything of value to a salesperson employed by a customer of the industry member, as compensation for, or as an inducement to obtain, special or greater effort or service on the part of the salesperson in promoting the resale of products supplied by the industry member to the customer:

(a) When the agreement or understanding under which the payment or payments are made or are to be made is without the knowledge and consent of the salesperson's employer; or

(b) When the terms and conditions of the agreement or understanding are such that any benefit to the salesperson or customer is dependent on lottery or chance; or

(c) When any provision of the agreement or understanding requires or contemplates practices or a course of conduct unduly and intentionally hampering sales of products of competitors of an industry member; or

(d) When, because of the terms and conditions of the agreement or understanding, including its duration, or the attendant circumstances, the effect may be substantially to lessen competition or tend to create a monopoly; or

(e) When similar payments are not accorded to salespersons of competing customers on proportionally equal terms in compliance with section 2 (d) and (e) of the Clayton Act.

NOTE: Payments made by an industry member to a salesperson of a customer under any agreement or understanding that all or any part of such payments is to be transferred by the salesperson to the customer, or is to result in a corresponding decrease in the salesperson's salary, are not to be considered within the purview of this section, but are to be considered as subject to the requirements and provisions of section 2(a) of the Clayton Act.

[Rule 14]

§ 48.15 Deceptive representations as to earnings, etc.

It is an unfair trade practice to make false, misleading, or deceptive statements or representations regarding opportunities for making money, or of actual or probable earnings, by agents, jobbers, dealers, and others, handling products of this industry. [Rule 15]

§ 48.16 Substitution of products.

It is an unfair trade practice for a member of the industry to make an unauthorized substitution of products, where such substitution has the capacity and tendency or effect of misleading or deceiving purchasers, by:

(a) Shipping or delivering industry products which do not conform to samples submitted, to specifications (in bids or otherwise) upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchaser of the substitution and obtaining his consent thereto prior to making shipment or delivery; or

(b) Falsely representing the reason for making a substitution. [Rule 16]

§ 48.17 Enticing away employees of competitors.

It is an unfair trade practice for any member of the industry wilfully to entice away employees or sales-contact personnel of competitors with the intent and effect of thereby unduly hampering or injuring competitors in their business and destroying or substantially lessening competition: *Provided*, That, nothing in this section shall be construed as prohibiting such persons from seeking more favorable employment, or as prohibiting employers from hiring or offering employment to employees of a competitor in good faith and not for the purpose of inflicting injury on such competitor. [Rule 17]

§ 48.18 Aiding or abetting use of unfair trade practices.

It is an unfair trade practice for any person, firm or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair practice specified in this part. [Rule 18]

Issued: December 14, 1959.

Promulgated by the Federal Trade Commission December 17, 1959.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-10602; Filed, Dec. 16, 1959; 8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 345—EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

Miscellaneous Amendments

Pursuant to the general authority contained in section 12 of the act of June 25, 1938 (52 Stat. 1094, 1107; 45 U.S.C. 362), §§ 345.1, 345.2, 345.9, 345.10, and 345.20 of Part 345 (20 CFR 345.1, 345.2, 345.9, 345.10 and 345.20) of the Regulations under such act are amended by Board Order 59-219, dated December 2, 1959, to read as follows:

§ 345.1 Statutory provisions.

Every employer shall pay a contribution, with respect to having employees in his service, equal to the percentage determined as set forth below or so much of the compensation as is not in excess of $300 for any calendar month paid by him to any employee for services rendered to him after June 30, 1939, and before July 1, 1954, and is not in excess of $350 for any calendar month paid by him to any employee for services rendered to him after June 30, 1954, and before the calendar month next following the month in which this Act was amended in 1959, and is not in excess of $400 for any calendar month paid by him to any employee for services rendered to him after the month in which this Act was so amended: *Provided, however,* That if compensation is paid to an employee by more than one employer with respect to any such calendar month, the contributions required by this subsection shall apply to not more than $300 for any month before July 1, 1954, and to not more than $350 for any month after June 30, 1954, and before the calendar month next following the month in which this Act was amended in 1959, and to not more than $400 for any month after the month in which this Act was so amended of the aggregate compensation paid to said employee by all said employers with respect to such calendar month, and each employer other than a subordinate unit of a national railway-labor-organization employer shall be liable for that proportion of the contribution with respect to such compensation paid by all such employers which the compensation paid by him after December 31, 1946, to the employee for services during any calendar month after 1946 bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month; and in the event that the compensation so paid by such employers to the employee for services rendered during such month is less than $300 if such month is before July 1, 1954, or less than $350 if such month is after June 30, 1954, and before the calendar month next following the month in which this Act was amended in 1959, or less than $400 if such month is after the month in which this Act was so amended, each subordinate unit of a national railway-labor-organization employer shall be liable for such proportion of any additional contribution as the compensation paid by such employer after December 31, 1946, to such employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month:

1. With respect to compensation paid prior to January 1, 1948, the rate shall be 3 per centum;

2. With respect to compensation paid after the month in which this Act was amended in 1959, the rate shall be as follows:

If the balance to the credit of the railroad unemployment insurance account as of the close of business on September 30, of any year, as determined by the Board, is—	The rate with respect to compensation paid during the next succeeding calendar year shall be (percent)—
$450,000,000 or more	1½
$400,000,000 or more but less than $450,000,000	2
$350,000,000 or more but less than $400,000,000	2½
$300,000,000 or more but less than $350,000,000	3
Less than $300,000,000	3¾

As soon as practicable following the enactment of this Act, the Board shall determine and proclaim the balance to the credit of the account as of the close of business on September 30, 1947, and on or before December 31 of 1948 and of each succeeding year, the Board shall determine and proclaim the balance to the credit of the account as of the close of business on September 30 of such year; and in determining such balance as of September 30 of any year, the balance to the credit of the railroad unemployment insurance administration fund as of the close of business on such date shall be deemed to be a part of the balance to the credit of such account (Section 8(a) of the Railroad Unemployment Insurance Act)

The contributions required by this Act shall be collected and paid quarterly or at such other times and in such manner and under such conditions not inconsistent with this Act as may be prescribed by Regulations of the Board, and shall not be deducted, in whole or in part, from the compensation of employees in the employer's employ. If a contribution required by this Act is not paid when due, there shall be added to the amount payable (except in the case of adjustments made in accordance with the provisions of this Act) interest at the rate of 1 per centum per month or fraction of a month from the date the contribution became due until paid. Any interest collected pursuant to this subsection shall be credited to the account. (Section 8(g) of the Railroad Unemployment Insurance Act)

All provisions of law, including penalties, applicable with respect to any tax imposed by section 1800 or 2700 of the Internal Revenue Code, and the provisions of section 3661 of such code, insofar as applicable and not inconsistent with the provisions of this Act, shall be applicable with respect to the contributions required by this Act: *Provided,* That all authority and functions conferred by or pursuant to such provisions upon any officer or employee of the United States, except the authority to institute and prosecute, and the function of instituting and prosecuting, criminal proceedings, shall, with respect to such contributions, be vested in and exercised by the Board or such officers and employees of the Board as it may designate therefor. (Section 8(h) of the Railroad Unemployment Insurance Act)

* * * For the purposes of determining * * * the amount of contributions due pursuant to this Act, employment after June 30, 1940, in the service of a local lodge or division of a railway-labor-organization employer or as an employee representative shall be disregarded. For purposes of determining * * * the amount of contributions due pursuant to this Act, employment as a delegate to a national or international convention of a railway labor organization defined as an "employer" * * * shall be disregarded if the individual having such employment has not previously rendered service, other than as such a delegate, which may be included in his "years of service" for the purposes of the Railroad Retirement Act. (Section 1(g) of the Railroad Unemployment Insurance Act)

§ 345.2 Employers' contributions.

The $400 specified in this section is the maximum compensation per employee per month subject to contributions after May 31, 1959, with respect to services rendered after that date. Maximum compensation amounts subject to contributions, and allocations, for prior periods are shown in § 345.1.

(a) Except as provided in paragraph (b) of this section, every employer shall pay a contribution equal to the following percentages of the amount of compensation paid to any employee for employment on and after July 1, 1939:

	Percent
(1) July 1, 1939 through Dec. 31, 1947	3
(2) January 1, 1948 through Dec. 31, 1955	½
(3) January 1, 1956 through Dec. 31, 1956	1½
(4) January 1, 1957 through Dec. 31, 1957	2
(5) January 1, 1958 through Dec. 31, 1958	2½
(6) January 1, 1959 through May 31, 1959	3
(7) June 1, 1959 through Dec. 31, 1959	3¾
(8) Each succeeding calendar year, the applicable percentage specified in § 345.1 of these regulations.	

(b) If compensation is paid by more than one employer to an employee with respect to employment during the same calendar month, and if the aggregate compensation paid to such employee by all employers is more than $400 for the calendar month, then there shall be included in the measure of each such employer's contribution only that proportion of $400 which the amount paid by him to the employee for the month bears to the aggregate compensation paid to such employee by all employers for that month: *Provided, however,*

(1) If such aggregate compensation is paid by two or more employers, only one of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and if the compensation paid to the employee by the employer other than a subordinate unit equals or exceeds $400 for the month, then no subordinate unit shall be liable for any contribution with respect to the compensation paid by it to such employee for that month, and the measure of the contribution of the employer other than a subordinate unit with respect to the compensation paid by him to such employee for that month shall be $400.

(2) If such aggregate compensation is paid by two or more employers other than a subordinate unit of a national railway-labor-organization employer, and by one or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid to the employee by the employers other than a subordinate unit equals or exceeds $400 for the month, then no subordinate unit shall be liable for any contribution with respect to the compensation paid by it to such employee for that month, and the measure of the contribution of each employer other than a subordinate unit shall be that proportion of $400 which the compensation paid by such employer to the employee for the month bears to the total compensation paid to such employee by all such employers other than a subordinate unit for that month.

(3) If such aggregate compensation is paid by two or more employers, only one of whom is a subordinate unit of a national railway-labor-organization employer, and if the total compensation paid to the employee by all employers other than the subordinate unit is less than $400 for the month, then the measure of the contribution of each employer other than the subordinate unit shall be the full amount of compensation paid by him to such employee for that month, and the measure of the contribution of the subordinate unit of a national railway-labor-organization employer shall be $400 less the total compensation paid to such employee for that month by all other employers.

(4) If such aggregate compensation is paid by one or more employers other than a subordinate unit of a national railway - labor - organization employer and by two or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid to the employee by all employers other than the subordinate units is less than $400 for the month, then the measure of the contribution of each employer other than the subordinate units shall be the full amount of compensation paid by him to such employee for that month, and the measure of the contribution of each subordinate unit of the national railway - labor - organization employer shall be that proportion of $400 less the total compensation paid to such employee for the month by all employers other than the subordinate units which the compensation paid by such subordinate unit to the employee for that month bears to the total compensation paid to such employee by all such subordinate units for that month.

§ 345.9 Place and time for filing employers' contribution reports.

Each employer's contribution report shall be filed with the Director of Budget and Fiscal Operations, Railroad Retirement Board, 844 Rush Street, Chicago 11, Illinois.

(a) Except as provided in paragraph (b) of this section, the employer's contribution report for each quarterly period shall be filed on or before the last day of the second calendar month following the period for which it is made. If such last day falls on Saturday, Sunday, or a national legal holiday, the report may be filed on the next following business day. If mailed, reports must be postmarked on or before the date on which the report is required to be filed.

(b) For eligible employers who have elected to report contributions annually in accordance with § 345.5(a)(2), the contribution report shall be filed on or before the last day of the second calendar month following the close of the calendar year. If such last day falls on Saturday, Sunday, or a national legal holiday, the report may be filed on the next following business day. If mailed, reports must be postmarked on or before the date on which the report is required to be filed.

(c) If there is a delay in the filing of a contribution report, the Director of Budget and Fiscal Operations may set a later date for filing, if, in his judgment, (1) the delay is due to reasonable cause, (2) the amount of interest payable for the delinquency represents a charge totally disproportionate to the period of delay and, (3) the employer's previous record for submission of reports warrants such action.

§ 345.10 Payment of employers' contributions.

(a) The contribution required to be reported on an employer's contribution report is due and payable to the Board without assessment or notice, at the time fixed for filing the contribution report.

(b) Certified or uncertified checks may be tendered as provisional payment of contributions and should be made payable to the Railroad Retirement Board and mailed with the contribution report to the Director of Budget and Fiscal Operations, Railroad Retirement Board, 844 Rush Street, Chicago 11, Illinois. No employer who tenders a check as provisional payment of contribution shall be released from the obligation to make ultimate payment thereof

until such check has been duly paid. If a check is not paid by the bank on which it is drawn, the employer by whom such check has been tendered shall remain liable for the payment of the contribution and for all legal penalties and additions to the same extent as if such check had not been tendered.

§ 345.20 Assessments.

The Director of Budget and Fiscal Operations is authorized, on behalf of the Board, to issue assessments of contributions, interest, and penalties, and notices and demands for payment thereof.

(Sec. 12, 52 Stat. 1107, as amended; 45 U.S.C. 362)

Dated: December 11, 1959.

By authority of the Board.

MARY B. LINKINS,
Secretary of the Board.

[F.R. Doc. 59-10674; Filed, Dec. 16, 1959; 8:47 a.m.]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER E—MECHANICAL EQUIPMENT FOR MINES; TESTS FOR PERMISSIBILITY AND SUITABILITY; FEES

[Bureau of Mines Schedule 30]

PART 35—FIRE-RESISTANT HYDRAULIC FLUIDS

There was published in the FEDERAL REGISTER of September 25, 1959 (24 F.R. 7728), a notice and text of proposed regulations to be included as Part 35 of Subchapter E of Title 30, Code of Federal Regulations, prescribing procedures for testing and approving hydraulic fluids and concentrates for the production of such fluids for fire-resistant qualities.

Interested persons were allowed 30 days after publication of the notice to submit written comments, suggestions, or objections concerning the proposed regulations. Suggestions were received from two different sources pertaining primarily to specifications for lubricating properties of fire-resistant hydraulic fluids; but after careful consideration these are believed to be covered adequately in § 35.6 of the proposed regulations. No adverse comment was received on the fire-resistant requirements for hydraulic fluids. The proposed regulations are therefore adopted without change and are set forth below.

MARLING J. ANKENY,
Director,
Bureau of Mines.

Approved: December 11, 1959.

ELMER F. BENNETT,
Acting Secretary of the Interior.

Part 35 of Title 30 follows:

Subpart A—General Provisions

Subpart B—Test Requirements

AUTHORITY: §§ 35.1 to 35.23 issued under sec. 5, 36 Stat. 370, as amended, and sec. 212(a), 66 Stat. 709, 30 U.S.C. 7, 482(a). Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, secs. 201, 209, 66 Stat. 692, 703; 30 U.S.C. 3, 5, 471, 479.

Subpart A—General Provisions

§ 35.1 Purpose.

The regulations in this part set forth the requirements for fire-resistant hydraulic fluids and concentrates for the production thereof to procure their certification as approved for use in machines and devices that are operated in coal mines; procedures for applying for such certification; and fees.

§ 35.2 Definitions.

As used in this part—

(a) "Permissible," as applied to hydraulic fluids, means that the fluid conforms to the requirements of this part, and that a certificate of approval to that effect has been issued.

(b) "Bureau" means the United States Bureau of Mines.

(c) "Certificate of approval" means a formal document issued by the Bureau stating that the fluid has met the requirements of this part for fire-resistant hydraulic fluids and authorizing the use of an official identifying marking so indicating.

(d) "Fire-resistant hydraulic fluid" means a fluid of such chemical composition and physical characteristics that it will resist the propagation of flame.

(e) "Concentrate" means a substance in concentrated form that might not be fire resistant as such but when mixed with water or other vehicle in accordance with instructions furnished by the applicant will constitute a fire-resistant hydraulic fluid.

(f) "Applicant" means an individual, partnership, company, corporation, association, or other organization that manufactures, compounds, refines, or otherwise produces, a fire-resistant hydraulic fluid or a concentrate for the production thereof, and seeks a certificate of approval.

§ 35.3 Consultation.

By appointment, applicants or their representatives may visit the Bureau's Central Experiment Station, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, to discuss with qualified Bureau personnel proposed fluids to be submitted in accordance with the regulations of this part. No charge is made for such consultation and no written report thereof will be submitted to the applicant.

§ 35.4 Types of hydraulic fluid for which certificates of approval may be granted.

Certificates of approval will be granted for completely compounded or mixed fluids and not for individual ingredients; except that when a concentrate is submitted for testing, complete instructions for mixing with water or other vehicle shall be furnished to the Bureau, together with the vehicle other than water and the approval will cover only the specific mixture that constitutes the hydraulic fluid for use in coal mines.

§ 35.5 Fees for investigation.

(a) The full fee must accompany an application for testing a hydraulic fluid or for retesting a fluid that has been previously tested and disapproved. If less work is involved than for a complete investigation, the charge will be in proportion to the work done. Any surplus will be refunded to the applicant.

(b) The fee for tests covering only part of a complete investigation will be charged according to the work involved and will be in proportion to that charged for a complete investigation. The fee for such tests shall be determined in advance by the Bureau and the applicant notified accordingly in writing.

(c) The fee for an extension of certification will be determined according to the work required and the applicant will be notified accordingly. The fee must be paid in advance before the investigation will be undertaken.

(d) The following fees are charged for testing a hydraulic fluid—concentrate or emulsion:

1. Autogenous-ignition temperature test, each	$25.00
2. Temperature-pressure spray-ignition test, each	45.00
3. Test to determine effect of evaporation on flammability, each	30 00
4. Fees for other tests not included in the above list will be determined in advance by the Bureau. The applicant will be notified accordingly in writing and the fee shall be paid before such tests are begun.	

§ 35.6 Applications.

(a) No investigation or testing will be undertaken by the Bureau except pursuant to a written application, in duplicate, accompanied by a check, bank draft, or money order, payable to the United States Bureau of Mines, to cover the fees; and all descriptions, specifications, test samples, and related materials. The application and all related matter and correspondence concerning it shall be sent to the Central Experiment Station, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, Attention: District Supervisor, Health and Safety District B.

(b) Descriptions and specifications shall be adequate in detail to identify fully the composition of the hydraulic fluid and to disclose its characteristics. Descriptions and specifications shall include:

(1) An identifying name or number of the fluid or concentrate for the production thereof.

(2) Pour point, ° F.; freezing point, ° F.; color; neutralization number or pH; viscosity at 100° F., 150° F., 175° F. (Saybolt or Furol); viscosity index; specific gravity.

(3) A statement of the water or other vehicle content in percent by weight or volume and how it affects fire resistance of the hydraulic fluid. If water is the vehicle, the statement shall include the applicant's method for determining water content quickly in the field.

(c) The application shall state whether the fluid submitted for test is toxic or irritating to the skin and what precautions are necessary in handling it.

(d) The application shall state that the applicant has tested the fluid which he believes to have fire-resistant properties, the basis for such determination, and submit with his application the data resulting from the applicant's use or laboratory tests to determine the fire-resistant properties of the fluid.

(e) The application shall contain evidence that the fluid has lubricating and hydraulic properties and is satisfactory for use in underground mining machinery; and shall state that the fluid, or concentrate for the production thereof, is fully developed and is of the composition that the applicant believes to be a suitable marketable product.

(f) The application shall state the nature, adequacy, and continuity of control of the constituents of the fluid to maintain its fire-resistant characteristics and how each lot will be sampled and tested to maintain its protective qualities. The Bureau reserves the right to have its qualified representative(s) inspect the applicant's control-test equipment, procedures, and records, and to interview the personnel who conduct the control tests to satisfy the Bureau that the proper procedure is being followed to insure that the fire-resistant qualities of the hydraulic fluid are maintained.

(g) When the Bureau notifies the applicant that the application will be accepted, it will also notify him as to the number of samples and related materials that will be required for testing. Ordinarily a 5-gallon sample of hydraulic fluid will be required provided that it is a finished product or, if in concentrate form, enough shall be furnished to make a 5-gallon sample when mixed with water or other vehicle according to the applicant's instructions. All samples and related materials required for testing must be delivered (charges prepaid) to the Central Experiment Station, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania.

§ 35.7 Date for conducting tests.

The date of acceptance of an application will determine the order of precedence for testing when more than one application is pending, and the applicant will be notified of the date on which tests will begin. However, not more than two fluids will be tested consecutively for one applicant provided other applications are pending. If a fluid fails to meet any of the requirements, it shall lose its order of precedence. If an application is submitted to resume testing after correction of the cause of failure, it will be treated as a new application and the order of precedence for testing will be so determined.

§ 35.8 Conduct of investigations, tests, and demonstrations.

Prior to the issuance of a certificate of approval, only Bureau personnel, representatives of the applicant, and such other persons as may be mutually agreed upon, may observe the investigations or tests. The Bureau shall hold as confidential and shall not disclose features of the hydraulic fluid such as the chemical analysis, specifications, descriptions, and related material. After issuing a certificate of approval, the Bureau may conduct such public demonstrations and tests of the approved hydraulic fluid as it deems appropriate. The conduct of all investigations, tests, and demonstrations shall be under the sole direction and control of the Bureau, and any other persons shall be present only as observers.

§ 35.9 Certificates of approval.

(a) Upon completion of an investigation of a hydraulic fluid, the Bureau will issue to the applicant either a certificate of approval or a written notice of disapproval, as the case may require. No informal notification of approval will be issued. If a certificate of approval is issued, no test data or detailed results of tests will accompany it. If a notice of disapproval is issued, it will be accompanied by details of the defect(s), with a view to possible correction. The Bureau will not disclose, except to the applicant, any information on a fluid upon which a notice of disapproval has been issued.

(b) A certificate of approval will be accompanied by a list of specifications covering the characteristics of a hydraulic fluid upon which the certificate of approval is based. In addition to the applicant's record of control in maintaining the fire-resistant characteristics, applicants shall keep exact duplicates of the specifications that have been submitted to the Bureau and that relate to any fluid which has received a certificate of approval; and these are to be adhered to exactly in production of the certified fluid for commercial purposes.

§ 35.10 Approval labels or markings.

(a) A certificate of approval will be accompanied by a photograph of a design for an approval label or marking, which shall bear the seal of the Bureau of Mines and shall be inscribed substantially as follows:

PERMISSIBLE FIRE-RESISTANT HYDRAULIC FLUID

U.S.B.M. Approval No. ----------
Issued to ----------
(Name of Applicant)

(b) A label so inscribed shall be attached to each fluid container in such a manner that it cannot be easily removed or containers may be so marked with a metal stencil. The letters and numbers shall be at least ½ inch in height and of a color which contrasts with that of the container.

(c) For a concentrate the label or marking shall clearly indicate that the certification thereof applies only when the concentrate is used in exact conformance with the instructions on such label or marking. The label or marking shall clearly indicate the exact amount of water or other vehicle to make the fire-resistant hydraulic fluid upon which the certificate of approval was based.

(d) Appropriate instructions and caution statements on the handling of the hydraulic fluid or concentrate shall be included on the approval label or marking.

(e) Use of the Bureau's approval label or marking obligates the applicant to whom the certificate of approval was granted to maintain the fire-resistant characteristics of the hydraulic fluid and guarantees that it is manufactured according to the specifications upon which the certificate of approval was based. Use of the approval label or marking is not authorized except on containers of hydraulic fluids that conform strictly with the specifications and characteristics upon which the certificate of approval was based.

§ 35.11 Material required for record.

The Bureau may retain for record all or part of the material submitted for testing. Any material that the Bureau does not require will be returned to the applicant at his expense upon receipt of his written request and shipping instructions not more than 6 months after the termination or completion of the tests. Thereafter the Bureau will dispose of such surplus material as it deems appropriate.

§ 35.12 Changes after certification.

If an applicant desires to change any specification or characteristic of a certified hydraulic fluid, he shall first obtain the Bureau's approval of the change, pursuant to the following procedures:

(a) Application shall be made, as for an original certificate of approval, requesting that the existing certification be extended to cover the proposed change. The application shall be accompanied by specifications and related material(s) as in the case of an original application.

(b) The application and related material(s) will be examined by the Bureau to determine whether testing of the modified hydraulic fluid will be required. Testing will be necesary if there is a possibility that the modification may affect adversely the performance characteristics of the fluid. The Bureau will inform the applicant in writing whether such testing is required, and the fee.

(c) If the proposed modification meets the requirements of this part, a formal extension of certification will be issued, accompanied by a list of new and corrected specifications to be added to those already on file, as the basis for the extension of certification.

§ 35.13 Withdrawal of certification.

The Bureau reserves the right to rescind for cause, at any time, any certi-

ficate of approval granted under this part.

Subpart B—Test Requirements

§ 35.20 Autogenous-ignition temperature test.

(a) *Purpose.* The purpose of this test, referred to hereinafter as the ignition-temperature test, is to determine the lowest autogenous-ignition temperature of a hydraulic fluid at atmospheric pressure when using the syringe-injection method.

(b) *Description of apparatus*—(1) *Test flask.* The test flask, which is heated and into which the test sample is injected, shall be a commercial 200 ml. borosilicate glass Erlenmeyer flask.

(2) *Thermocouples.* Calibrated thermocouples—iron-constantan or chromel-alumel—and a potentiometer shall be used for all temperature measurements.

(3) *Syringe.* A hypodermic syringe (0.25 or 1 cc. capacity) equipped with a 2-inch No. 18 stainless steel needle and calibrated in hundredths of a cubic centimeter (0.01 cc.) shall be used to inject samples into the heated test flask.

(4) *Timer.* An electric timer or stopwatch calibrated in not more than 0.2 second intervals shall be used to determine the time lag before ignition.

NOTE: Time lag is the time that elapses between the instant of injection and that of ignition of the test sample, as evidenced by flame.

(5) *Furnace.* The furnace in which the ignition-temperature test is conducted shall consist of a refractory (alundum or equivalent) cylinder 5 inches in internal diameter and 5 inches in height; a transite-ring top and a transite-disk bottom, each of which is attached to a metal cylinder. The furnace is heated by three elements as follows: (i) A circumferential heater embedded in the refractory cylinder; (ii) a top or toroidal-neck heater that surrounds the neck of the test flask; and (iii) a flat base heater on which the test flask rests. The temperature of each heating element shall be controlled independently by an autotransformer. Means shall be provided for applying thermocouples at the neck, mid-section, and base of the test flask, which shall be inserted upright in the furnace.

(c) *Test procedures*—(1) *Temperature control.* Each autotransformer shall be so adjusted that the temperature at the neck, mid-section, and base of the test flask is uniform within ±2° F. of the desired test temperature.

(2) *Sample injection and timing.* A 0.07 cc. test sample shall be injected into the heated test flask with the hypodermic syringe, and the syringe shall be withdrawn immediately. Measurement of time shall start at the instant the sample is injected.

(3) *Observations.* (i) If flame does not result in 5 minutes or more after injection of the test sample, the sample shall be considered nonflammable at the test temperature, and the timer shall be stopped. The test flask shall then be flushed well with clean dry air and, after a lapse of 15 minutes or more, the test shall be repeated with the test flask temperature raised 50° F. ±2° F. above the first test temperature.

(ii) If ignition (flame) is observed in 5 minutes or less after the injection of the test sample (0.07 cc.), the time lag (time interval) shall be noted. After an ignition occurs the temperature of the test flask shall be reduced 5° F., and the test procedure repeated in decrements of 5° F. until ignition no longer occurs and this temperature shall be noted as the first nonignition test temperature for the 0.07 cc. sample.

(iii) The temperature shall be increased 50° F. ±2° F. above the first nonignition test temperature, and the ignition-temperature test procedure shall be repeated with a 0.10 cc. test sample injected into the heated test flask.

(iv) If the lowest temperature at which ignition occurs with the 0.10 cc. sample (in decrements of 5° F.) is lower than that obtained with the 0.07 cc. sample, the ignition-temperature test procedure shall be repeated using a test sample of 0.12 cc., then 0.15 cc., and so on by increments of 0.03 cc. until the lowest ignition temperature is obtained.

(v) If the lowest temperature at which ignition is obtained with the 0.10 cc. sample is greater than that obtained with the 0.07 cc. sample, the ignition temperature test procedure shall be repeated by reducing the test sample to 0.05 cc. and then to 0.03 cc. until the lowest ignition temperature is obtained.

(d) *Appraisal of tests.* A fluid shall be considered fire-resistant, according to the test requirements of this section: *Provided,* That in no instance of the ignition-temperature test procedure, as stated in this section, shall the ignition temperature of the test sample be less than 600° F.

§ 35.21 Temperature-pressure spray-ignition test.

(a) *Purpose.* The purpose of this test shall be to determine the flammability of a hydraulic fluid when it is sprayed over three different sources of ignition which are described in subparagraph (4) of paragraph (b) of this section.

(b) *Description of apparatus.* (1) A 3-quart pressure vessel, with the necessary connections, valves, and heating elements, shall be used for containing and heating the fluid under the test conditions as specified hereinafter.

(2) An atomizing round-spray nozzle, having a discharge orifice of 0.025-inch diameter, capable of discharging 3.28 gallons of water per hour with a spray angle of 90 degrees at a pressure of 100 p.s.i., shall be connected to the pressure vessel.

(3) A commercial pressurized cylinder, containing nitrogen with the customary regulators, valves, tubing, and connectors, shall be used to supply nitrogen to the pressure vessel described in subparagraph (1) of this paragraph.

(4) Three igniting devices shall provide three different sources of ignition as follows:

(i) A metal trough with a metal cover in which cotton waste soaked in kerosene is ignited.

(ii) An electric arcing device in which the arc is produced by a 12,000-volt transformer.

(iii) A propane torch—Bernzomatic or equivalent.

(5) A means of measuring distances from the nozzle tip to the igniting device shall be provided.

(c) *Test procedures.* (1) A 2½-quart sample of the fluid shall be poured into the pressure vessel and heated to a temperature of 150° F. The temperature shall be maintained at not less than 145° F. or not more than 155° F. during the test.

(2) Nitrogen shall be introduced into the vessel at 150 p.s.i.g.

(3) The fluid shall be sprayed at each igniting device, described in subparagraph (4) of paragraph (b) of this section, which is moved along the trajectory of the spray. Each igniting device shall be held in the spray at different distances from the nozzle tip for one minute or until the flame or arc is extinguished (if less than one minute) to determine this fire-resistant characteristic of the fluid.

(d) *Appraisal of tests.* If the test procedures in paragraph (c) of this section do not result in an ignition of any sample of fluid or if an ignition of a sample does not result in flame propagation for a time interval not exceeding 6 seconds at a distance of 18 inches or more from the nozzle tip to the center of each igniting device, it shall be considered fire resistant, according to the test requirements of this section.

§ 35.22 Test to determine effect of evaporation on flammability.

(a) *Purpose.* The purpose of this test shall be to determine the effect of evaporation on the reduction of fire resistance of a hydraulic fluid.

(b) *Description of apparatus*—(1) *Petri dish.* Standard laboratory Petri dishes, approximately 90 mm. by 16 mm., shall be used to contain the test samples.

(2) *Oven.* A gravity convection air oven, capable of maintaining the specified evaporation temperature constant within ±2° F., shall be used in the test.

(3) *Pipe cleaner.* An ordinary smoker's pipe cleaner (U.S. Tobacco Co., Dill's or equivalent) shall be used in the test procedure, described in paragraph (c) of this section.

(c) *Test procedures.* (1) Three 30-milliliter samples of the fluid shall be placed in uncovered Petri dishes. Two of these samples shall be inserted in the oven, that shall have been heated to a temperature of 150° F., ±2° F., which shall be maintained throughout this test. The third sample shall remain at room temperature.

(2) An electrically operated cycling device, such as an automobile windshield wiper mechanism, shall be oscillated in a horizontal plane, 25±2 cycles per minute. A pipe cleaner shall be attached to the device so that it will enter and leave a flame of a standard (Bunsen or equivalent) laboratory burner, which is adjusted to provide a nonluminous flame approximately 4 inches in height without forming a sharp inner cone. The

cycling device shall be so arranged that when a 2-inch length of pipe cleaner is attached thereto the exposed end shall describe an arc with a radius of 4 inches ±⅛ inch. The cycling device shall be so arranged that when the 2-inch length of pipe cleaner is attached thereto, its midpoint shall be in the center of the flame at one extreme end of the cycle.

(3) Each of five 2-inch lengths of pipe cleaner shall be soaked separately for a period of 2 minutes in the test sample that remained at room temperature. Each pipe cleaner shall then be removed from the test sample and permitted to drain freely until all excess fluid is expelled from it. Each soaked pipe cleaner shall be attached to the cycling device, the mechanism started, and the pipe cleaner permitted to enter and leave the burner flame, as described in subparagraph (2) of this paragraph, until a self-sustaining flame shall be observed on the pipe cleaner. The number of cycles necessary to obtain a self-sustaining flame shall be noted and averaged for each of the five soaked pipe cleaners.

(4) After one test sample has remained in the oven for a period of 2 hours, the Petri dish containing it shall be removed from the oven and allowed to cool to room temperature, after which 5 lengths of 2-inch pipe cleaner shall be soaked separately in the test sample for a period of 2 minutes. Then the test procedure stated in subparagraph (3) of this paragraph shall be repeated.

(5) After one test sample has remained in the oven for a period of 4 hours, the Petri dish containing it shall be removed from the oven and allowed to cool to room temperature, after which 5 lengths of 2-inch pipe cleaner shall be soaked separately in the test sample for a period of 2 minutes. Then the test procedure stated in subparagraph (3) of this paragraph shall be repeated.

(d) *Appraisal of tests.* To be determined as fire resistant according to the test requirements of this section, the three following results shall be achieved:

(1) The average number of cycles before attaining a self-sustaining flame in the test described in subparagraph (3) of paragraph (c) of this section shall be 24 or more.

(2) The average number of cycles before attaining a self-sustaining flame in the test described in subparagraph (4) of paragraph (c) of this section shall be 18 or more.

(3) The average number of cycles before attaining a self-sustaining flame in the test described in subparagraph (5) of paragraph (c) of this section shall be 12 or more.

§ 35.23 Performance required for certification.

To qualify as fire-resistant under the regulations of this part, a hydraulic fluid shall meet each performance requirement as stated in paragraph (d) of § 35.20, paragraph (d) of § 35.21, and paragraph (d) of § 35.22.

[F.R. Doc. 59-10669; Filed, Dec. 16, 1959; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS

Instructions Relating to Assistance in Acquiring Specially Adapted Housing to Seriously Disabled Veterans

Part 3, Chapter I of Title 38 of the Code of Federal Regulations is amended by adding a new § 3.1535 as follows:

§ 3.1535 Instructions relating to assistance in acquiring specially adapted housing to seriously disabled veterans.

(a) *Provisions of the law.* Section 801, Title 38, United States Code was amended by Public Law 86-239 to provide assistance in acquiring specially adapted housing to any veteran, who is entitled to compensation under 38 U.S.C. Ch. 11 based on service after April 20, 1898, for permanent and total service-connected disability:

(1) Due to the loss, or loss of use, of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair, or

(2) Which includes, (i) blindness in both eyes, having only light perception, plus (ii) loss or loss of use of one lower extremity, and such permanent and total disability is such as to preclude locomotion without the aid of a wheelchair.

(b) *Effects of the act.* Benefits are not restricted to veterans of wartime service.

(1) The act adds a new eligibility category set forth in paragraph (a) (2) of this section, to the laws providing specially adapted housing to veterans entitled to compensation under 38 U.S.C. ch. 11 for peacetime or wartime permanent and total service-connected disability.

(2) The act also eliminates the former requirement that inability to locomote be due to loss, or loss of use by reason of amputation, ankylosis, progressive muscular dystrophies or paralysis of both lower extremities. It will be sufficient for purposes of the act if locomotion without the aid of braces, crutches, canes, or a wheelchair is precluded by the permanent and total service-connected conditions, without regard to etiology of the disabilities enumerated in paragraph (a) of this section.

(3) A veteran entitled to compensation for permanent and total service-connected disability which includes blindness in both eyes, having only light perception and the loss or loss of use of one lower extremity is entitled to assistance under this act if his permanent and total disability precludes locomotion without the aid of a wheelchair. This requirement is in effect threefold: (i) There must be blindness in both eyes having only light perception, (ii) there must be an anatomical loss or loss of use of one lower extremity, (iii) locomotion by means other than a wheelchair must be precluded. When these three elements are present, the veteran is eligible for assistance under this act.

(4) The term "preclude locomotion" is not meant to signify that if motion by any other means is possible, the veteran would be ineligible for benefits under this act. If rare and occasional locomotion by other means is possible, but generally not feasible or recommended, benefits may be in order. It is sufficient for purposes of this act if resort to a wheelchair or other mechanical aid or contrivance is necessary, regular and constant. However, to qualify for assistance locomotion must be prevented by the disability; mere precautionary inactivity will be excluded from consideration.

(c) *Effective Date.* This act is effective September 8, 1959. (Instruction 1, 38 U.S.C. 801, Public Law 86-239).

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective December 17, 1959.

[SEAL] BRADFORD MORSE,
Deputy Administrator.

[F.R. Doc. 59-10688; Filed, Dec. 16, 1959; 8:48 a.m.]

Title 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[Gen. Order 82, Rev., Amdt. 1]

PART 309—VESSEL VALUES FOR WAR RISK INSURANCE

Miscellaneous Amendments

Part 309 is hereby amended by deleting the sentence at the end of § 309.2(b) and substituting therefor the words "Values for vessels excluded from this part shall be specially determined by the Maritime Administrator and set forth in § 309.101."; and by adding the following new center heading and section:

VALUES FOR INDIVIDUAL VESSELS

§ 309.101 Determination of values.

(a) *Vessels covered by §§ 309.1 through 309.8.* (1) Whereas, the Maritime Administrator has found that the values provided in Part 309 (General Order 82, Revised) (24 F.R. 8260) constitute just compensation for the vessels to which they apply, computed in accordance with section 902(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242); and section 1209(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289), Public Law 958—84th Congress, (70 Stat. 984); and pursuant thereto has determined the values of vessels covered by interim binders for war risk hull insurance, Form MA-184, prescribed by Part 308 of this chapter (General Order 75 (Revised), 22 F.R. 1175, as amended, 24 F.R. 8093).

(2) Therefore, it is ordered that the interim binders listed below shall be deemed to have been amended as of July 1, 1959, by inserting in the space provided therefor or in substitution for any value

now appearing in such space the stated valuation of the vessels set forth below for the binders and vessels as designated. Nevertheless, the Assured shall have the right within sixty days after said date or within sixty days after the attachment of the insurance under said binder, whichever is later, to reject such valuation and proceed as authorized by section 1209(a)(2) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289).

Binder No.	Name of vessel	Official No.	Stated valuation
			Thousand
2	Michael Tracy	248164	$550
3	Thomas Tracy	247868	550
4	David D. Irwin	242354	610
7	American Mail	247321	1,100
8	Canada Mail	252476	1,100
10	India Mail	251767	1,100
12	Java Mail	252478	1,100
13	Ocean Mail	241750	702
14	Oregon Mail	248844	1,100
20	Alabama	246068	575
26	Illinois	246993	575
28	Louisiana	245053	575
34	New Jersey	245831	575
42	Wisconsin	247650	575
67	African Glade	245035	900
68	African Glen	247294	900
69	African Grove	244877	900
72	African Patriot	245795	900
73	African Pilgrim	245431	900
74	African Pilot	245725	900
86	Alameda	252492	900
87	Sierra	252355	900
88	Sonoma	245016	900
89	Ventura	252493	900
90	Hawaiian Banker	247831	1,123
91	Hawaiian Builder	247386	1,392
92	Hawaiian Citizen	252149	1,153
93	Hawaiian Craftsman	247826	1,202
94	Hawaiian Educator	247322	1,168
95	Hawaiian Farmer	245840	1,236
96	Hawaiian Fisherman	247256	1,176
98	Hawaiian Logger	246728	350
99	Hawaiian Lumberman	246007	350
100	Hawaiian Merchant	248845	1,393
101	Hawaiian Packer	243929	1,387
102	Hawaiian Pilot	252413	1,251
103	Hawaiian Planter	248741	1,191
104	Hawaiian Rancher	246204	1,368
105	Hawaiian Refiner	245594	1,318
106	Hawaiian Retailer	252477	1,100
107	Hawaiian Wholesaler	252633	1,372
113	Marine Courier	248019	405
114	Marine Merchant	245750	455
115	Marine Shipper	247596	550
116	Marine Trader	247274	550
171	Exermont	239017	935
175	Exilona	252303	935
178	Exmouth	247370	848
180	Expeditor	251971	935
183	Express	252376	935
185	Exton	246174	848
187	Washington	240590	1,100
188	Oregon	252271	1,100
189	Pacific Transport	248742	1,100
190	Philippine Transport	246388	1,100
191	Illinois	247454	848
192	Clarke's Wharf	247758	575
193	Fort Mims	248736	575
195	Rock Landing	248802	575
196	Arlington	248386	550
197	Boston	247161	550
199	Concord	247870	550
201	Lexington	248276	550
202	Malden	247987	550
205	Newton	247414	550
206	Reading	248271	550
207	Winchester	247708	550
211	American Builder	247201	900
212	American Chief	246732	900
217	American Flyer	247417	900
221	Pioneer Surf	254842	1,005
225	American Leader	249517	900
226	American Manufacturer	247643	900
228	American Miller	243873	900
229	American Packer	243982	900
230	American Planter	254670	900
231	American Press	247590	900
232	American Producer	254616	900
235	American Scientist	254633	900
239	American Veteran	247296	900
240	American Gunner	252677	900
242	Pioneer Cove	249718	900
246	Pioneer Isle	256787	989
247	American Trapper	252678	900
250	Pioneer Reef	244020	1,001
251	American Hunter	252679	900
253	Pioneer Tide	249030	900
254	American Forester	248074	900
256	Green Harbour	247760	750
257	Green Valley	247950	750
262	Moline Victory	247346	750
263	Newberry Victory	248460	750
264	San Angelo Victory	248842	750
293	Penobscot	247706	550
294	Plymouth	247867	550
295	Seaconnet	247412	550
300	Byron D. Benson	246173	575
301	David McKelvy	246355	575
305	Frank Haskell	246307	575
307	Robert E. Hopkins	247757	575
308	Samuel Q. Brown	246982	575
315	Providence Getty	254689	425
318	Wm. F. Humphrey	246557	575
324	Chevron	250641	425
326	Oregon Standard	246773	575
331	Idaho Standard	245461	575
342	Del Campo	241923	506
350	Del Sol	245159	488
353	Del Viento	242343	506
354	Santa Adela	242243	900
360	Santa Eliana	245546	900
362	Santa Flavia	242762	900
365	Santa Juana	242111	900
409	Catawba Ford	245620	575
415	Custis Woods	247009	575
418	Tullahoma	246662	575
425	Northfield	243253	575
428	Edison Mariner	247371	350
435	Four Lakes	244071	2,600
437	The Cabins	246143	575
438	Pueblo	243141	575
439	Barbara Frietchie	244708	350
446	Olympic Pioneer	245529	350
447	Gulf Banker	245169	900
448	Gulf Farmer	244598	900
449	Gulf Merchant	252445	900
450	Gulf Shipper	252443	900
451	Natalie O. Warren	245077	1,200
453	Atlantic Sun	244086	540
458	Louisiana Sun	242964	575
459	Maryland Sun	246101	575
460	Mercury Sun	245965	575
461	Michigan Sun	241851	575
463	Ohio Sun	244089	575
468	Sunoil	246808	575
471	Gulfbrand	246704	575
477	Gulfglow	245054	575
487	Gulfmills	245075	575
488	Gulfmoon	248895	575
490	Gulfpass	248080	575
491	Gulfpeak	247408	575
499	Gulfswamp	246013	575
502	Gulfvictor	244703	575
515	San Jacinto	248894	1,600
516	Fruitvale Hills	248716	575
517	La Brea Hills	247455	575
518	Lyons Creek	245450	575
519	New Market	247276	575
521	Tillamook	245104	575
551	Ponca City	244335	575
557	Chena	242704	364
562	Iliamna	246848	364
564	Nadina	245864	366
570	Susitna	248389	425
573	Arizona	247721	848
574	California	248206	848
576	Colorado	248786	848
577	Montana	247478	848
580	Wyoming	248243	848
591	Transunion	247060	350
701	P & T Adventurer	247220	848
702	P & T Builder	247121	848
703	P & T Explorer	252524	1,100
705	P & T Leader	245244	848
707	P & T Navigator	252304	1,100
710	P & T Voyager	248787	848
815	Tonsina	252547	360
846	Santa Fe	246602	550
858	Bents Fort	248910	575
859	Bradford Island	247640	575
860	Cantigny	247452	575
861	Chiwawa	251505	600
862	Council Grove	247896	575
863	Fort Hoskins	248735	575
865	Royal Oak	247574	575
867	Winter Hill	247576	575
868	Coeur D'Alene Victory	247113	848
870	Longview Victory	247077	848
871	Northwestern Victory	247492	848
877	Ames Victory	247292	848
878	Coe Victory	247894	848
879	Jefferson City Victory	247345	848
880	Mankato Victory	248739	848
895	Galena	248122	425
897	Marine Pioneer	245060	510
899	Hess Bunker	243804	575
921	Hess Trader	246104	575
942	Spirit of Liberty	243263	575
943	Santa Anita	245130	550
944	Pine Ridge	243803	575
956	Fortuna	245880	350
966	Atlantic Victory	248749	750
967	Ocean Victory	248013	750
979	Southstar	253289	900
980	Southport	253572	900
983	Hess Petrol	244735	575
986	Southland	245539	900
989	Southwind	252356	900
992	Marine Ranger	246574	450
999	Albatross	244486	350
1016	Hawaiian Tourist	248171	848
1026	Hawaiian Traveler	247916	$848
1027	Josefina	247052	350
1062	Hess Mariner	247220	575
1090	Marine Progress	245086	455
1092	Washington Standard	246203	621
1104	Lucile Bloomfield	249201	900
1114	President Fillmore	245754	848
1117	President Harding	248765	848
1149	Callabee	245700	575
1155	Wagon Box	244766	575
1160	Frank A. Morgan	242076	600
1173	California Bear	251970	900
1174	Canada Bear	247887	848
1175	China Bear	247837	900
1176	Hawaii Bear	247094	848
1189	Kenneth H. Stevenson	249080	350
1200	Coal Miner	247341	350
1212	Aimee Lykes	245748	900
1214	Barbara Lykes	245064	900
1215	Brinton Lykes	245240	550
1217	Charlotte Lykes	247157	750
1220	Dolly Turman	249747	900
1223	Frank Lykes	245740	900
1226	Genevieve Lykes	242444	900
1227	George Lykes	245082	550
1228	Gibbes Lykes	245182	900
1230	Helen Lykes	245245	900
1231	Howell Lykes	239005	1,100
1240	Leslie Lykes	247213	750
1241	Letitia Lykes	248807	900
1244	Mallory Lykes	241881	900
1245	Margaret Lykes	245858	900
1246	Marion Lykes	241478	550
1247	Mason Lykes	242146	900
1248	Mayo Lykes	247305	750
1273	Shirley Lykes	243790	550
1277	Sylvia Lykes	247841	900
1282	Virginia Lykes	245135	900
1286	Santa Mercedes	252751	900
1335	Angelina	241434	350
1338	Carolyn	241800	350
1339	Dorothy	242002	350
1340	Edith	248104	750
1343	Evelyn	247051	550
1345	Hilton	243110	350
1349	Mac	248165	550
1381	Alice Brown	244027	600
1457	Gold Stream	245001	2,100
1501	Producer	247888	575
1511	Mormacelm	248903	848
1512	Mormacfir	248070	848
1514	Mormacoak	247055	848
1516	Mormacpine	247477	848
1517	Mormacrio	248715	1,100
1554	Sag Harbor	244117	350
1566	Robin Goodfellow	247274	1,100
1567	Robin Gray	249026	1,100
1568	Robin Hood	247255	1,100
1582	Mormacsun	249246	1,100
1586	Mormacguide	249247	1,100
1608	Gulfseal	247057	2,600
1627	Nenana	245015	350
1628	Talkeetna	245753	350

(b) *Vessels of less than 1,500 gross tons*—(1) *As of June 10, 1959.* (i) Whereas, the Maritime Administrator has determined for certain vessels of less than 1,500 gross tons the values which constitute just compensation for the vessels to which they apply, computed in accordance with section 902(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242); and section 1209(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289), Public Law 958—84th Congress (70 Stat. 984); and pursuant thereto has determined the values of vessels covered by interim binders for war risk hull insurance, Form MA–184 prescribed by Part 308 of this chapter (General Order 75 (Revised), 22 F.R. 1175, as amended, 24 F.R. 8093).

(ii) Therefore, it is ordered that the interim, binders listed below shall be deemed to have been amended as of June 10, 1959, by inserting in the space provided therefor or in substitution for any value now appearing in such space the stated valuation of the vessels set forth below for the binders and vessels as designated. Nevertheless, the Assured shall have the right within sixty days after said date or within sixty days after

the attachment of the insurance under said binder, whichever is later, to reject such valuation and proceed as authorized by section 1209(a)(2) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289).

Binder No.	Name of vessel	Official No.	Stated valuation
			Thousand
582	Otis Wack	150639	$270
636	Dammam 7		23
637	Dammam 8	255059	24
645	Qatif 2		55
767	Wafra I	265744	31
768	Wafra II	265745	31
968	Dammam 9		70
969	Dammam 10		70
970	Dammam 11		70
971	Dammam 12		90
1000	Habib	112	25
1001	Sandy	114	26
1002	Horne	115	26
1003	Lenahan	116	26
1004	Chandler	117	26
1005	Swigart	118	27
1006	Britton	119	29
1674	Dammam 13		77
1675	Dammam 14		90
1441	Qatif 7		105
1442	Qatif 8		105

(2) *As of July 1, 1959.* (i) Whereas, the Maritime Administrator has determined for certain vessels of less than 1,500 gross tons the values which constitute just compensation for the vessels to which they apply, computed in accordance with section 902(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242); and section 1209(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289), Public Law 958—84th Congress (70 Stat. 984); and pursuant thereto has determined the values of vessels covered by interim binders for war risk hull insurance, Form MA-184 prescribed by Part 308 of this chapter (General Order 75 (Revised), 22 F.R. 1175, as amended, 24 F.R. 8093).

(ii) Therefore, it is ordered that the interim binders listed below shall be deemed to have been amended as of July 1, 1959, by inserting in the space provided therefor or in substitution for any value now appearing in such space the stated valuation of the vessels set forth below for the binders and vessels as designated. Nevertheless, the Assured shall have the right within sixty days after said date or within sixty days after the attachment of the insurance under said binder, whichever is later, to reject such valuation and proceed as authorized by section 1209(a)(2) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289).

Binder No.	Name of vessel	Official No.	Stated valuation
			Thousand
609	Barge 114		$16
610	Barge 115		17
611	Barge 116		19
612	Barge 117		16
613	Barge 118		16
623	Barge 128		16
624	Barge 129		16
626	Barge 131		16
628	Barge 133		39
629	Barge 134		17

(Sec. 204, 49 Stat. 1987, as amedned, sec. 1209, 64 Stat. 775, as amended, 70 Stat. 984; 46 U.S.C. 1114, 1289)

Dated: December 8, 1959.

WALTER C. FORD,
Acting Maritime Administrator.

[F.R. Doc. 59-10600; Filed, Dec. 16, 1959; 8:45 a.m.]

Title 44—PUBLIC PROPERTY AND WORKS

Chapter VII—Community Facilities Administration, Office of the Administrator, Housing and Home Finance Agency

PART 701—PROGRAMS AND PROCEDURE

Part 701 of Chapter VII of Title 44 of the Code of Federal Regulations is revised to read as follows:

Sec.
701.1 Programs.
701.2 Procedure.

AUTHORITY: §§ 701.1 to 701.2 issued under Reorganization Plan No. 3 of 1947, 61 Stat. 954, 5 U.S.C. 133y note.

§ 701.1 Programs.

(a) The Community Facilities Administration, headed by the Community Facilities Commissioner, was established as a constituent unit of the Housing and Home Finance Agency by the Housing and Home Finance Administrator's Organizational Order No. 1 of December 23, 1954 (19 F.R. 9320, December 29, 1954). There are administered through the Community Facilities Administration the following active operating programs: Loans to public or private nonprofit educational institutions of higher learning, including hospitals operating a school of nursing or approved for internships, for the construction of housing and other educational facilities for students and faculties, under title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749); public facility loans to State and local public agencies to finance specific public projects, under title II of the Housing Amendments of 1955 (42 U.S.C. 1491); advances to public agencies to aid in financing the planning of public works, under section 702 of the Housing Act of 1954, as amended by section 112 of the Housing Amendments of 1955 (40 U.S.C. 462); and, under agreement with the Commissioner of Education, supervision of construction of school facilities for which Federal aid is provided through the U.S. Office of Education under Public Law 815, 81st Cong., as amended (20 U.S.C. 631).

(b) The Community Facilities Administration is also responsible for management and liquidation of the following programs: Loans and grants for construction of defense community facilities under title III of Defense Housing and Community Facilities and Services Act of 1951, as amended (42 U.S.C. 1592); prefabricated housing loans under Reorganization Plan No. 23 of 1950 (5 U.S.C. 133z-15 note) and section 4 of Reconstruction Finance Corporation Act, as amended (15 U.S.C. 604), and sections 102 and 102a of Housing Act of 1948, as amended (12 U.S.C. 1701g, 1701g-1); first and second advance planning under Reorganization Plan No. 17 of 1950 (5 U.S.C. 133z-15 note) and Title V of War Mobilization and Reconversion Act of 1944 (50 U.S.C. App. 1671 note) and Public Law 352, 81st Cong. (40 U.S.C. 451); war public works under Reorganization Plan No. 17 of 1950 (5 U.S.C. 133z-15 note) and title II of Lanham Act, as amended (42 U.S.C. 1531); Alaska housing loans under Alaska Housing Act, as amended (48 U.S.C. 484); and public agency loans (RFC) under Reorganization Plan No. 1 of 1957 (5 U.S.C. 133z-15 note).

§ 701.2 Procedure.

The general course and method by which functions administered through the Community Facilities Administration on behalf of the Housing and Home Finance Administrator are channeled and determined are as follows: The prescribed forms for application for assistance under the active operating programs listed above are obtained from and filed with the Regional Office of the Housing and Home Finance Agency serving the area in which the applicant is located. Upon approval of an application by either the Regional Administrator or community Facilities Commissioner, as appropriate, an agreement between the Government and the applicant is executed. Further information concerning operations may be obtained from the appropriate Regional Office of the Housing and Home Finance Agency or from the Community Facilities Commissioner, Office of the Administrator, Housing and Home Finance Agency, 1626 K Street NW., Washington 25, D.C.

Effective as of the 17th day of December 1959.

[SEAL] NORMAN P. MASON,
Housing and Home Finance Administrator.

[F.R. Doc. 59-10689; Filed, Dec. 16, 1959; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communication Commission

PART 1—PRACTICE AND PROCEDURE

Miscellaneous Amendments

The Commission, having under consideration § 1.52 of its rules of practice and procedure, which as now phrased contains specifications as to all pleadings and documents with the exception of briefs, and § 1.53 of said rules, which as now phrased provides that briefs may be printed, typewritten, mimeographed, or multigraphed, and further contains specifications as to printed briefs; and

It appearing that multilithed briefs are acceptable to the Commission; and

It further appearing that neither § 1.52 nor § 1.53 as now phrased contains

specifications as to briefs other than printed briefs, and that typewritten, mimeographed, multigraphed, or multilithed briefs should conform to the specifications for pleadings and other documents contained in § 1.52; and

It further appearing that the amendments adopted herein pertain to matters of procedure and that such amendments are editorial in nature, and hence that compliance with the public notice and procedural requirements of the Administrative Procedure Act is unnecessary; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegation of Authority and Other Information;

It is ordered, This 14th day of December 1959, That, effective January 18, 1960, the Commission's rules of practice and procedure are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: December 14, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

1. Sections 1.52 and 1.53 are amended to read as follows:

§ 1.52 Specifications as to pleadings and documents.

All pleadings and documents (except printed briefs) filed in any proceeding shall, unless otherwise specifically provided, be on paper either 8 by 10½ or 14 inches or 8½ by 11, 13 or 14 inches, with left-hand margin not less than 1½ inches wide. This requirement shall not apply to original documents, or admissible copies thereof, offered as exhibits or to specially prepared exhibits. The impression shall be on one side of the paper only and shall be double-spaced, except that long quotations shall be single spaced and indented. All papers, except charts and maps, shall be typewritten or prepared by mechanical processing methods, other than letterpress or printing. The foregoing shall not apply to official publications. All copies must be clearly legible.

§ 1.53 Specifications as to briefs.

Briefs may be printed, typewritten, mimeographed, multigraphed, or multilithed. Printed briefs shall be in 10- or 12-point type, on good unglazed paper, 5⅞ inches wide by 9 inches long, with inside margin not less than 1½ inches wide, and with double spaced text and single spaced quotations. Typewritten, mimeographed, multigraphed, or multilithed briefs shall conform to the specifications for pleadings and documents set forth in § 1.52.

[F.R. Doc. 59-10695; Filed, Dec. 16, 1959; 8:49 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 924, 1025]

[Docket Nos. AO-225-A10, AO-310]

MILK IN DETROIT, MICHIGAN, AND CENTRAL MICHIGAN MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreement and To Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Lansing, Michigan, on January 6-16, 1959, pursuant to notice thereof issued on December 5, 1958 (23 F.R. 9552).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on October 29, 1959 (24 F.R. 8935), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

I. Regulation of additional areas in Michigan.

(a) Need for and form of regulation;
(b) Character of commerce; and
(c) Specific boundaries of the area.

II. Provisions to be included in any new regulation, or to be modified in the present Detroit order with respect to:

(a) The scope of regulation;
(b) The classification and allocation of milk;
(c) The determination and level of class prices; and
(d) Distribution of proceeds to producers.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

I. Regulation of additional area in Michigan.

(a) *Need for and form of regulation.* The handling of milk in the principal population centers of Southern Michigan should be brought under regulation. This should be accomplished by expansion of the present Detroit marketing area to a Southern Michigan marketing area.

Federal Order No. 24 presently regulates the handling of milk in Wayne County, which includes the City of Detroit, and in portions of the adjoining or nearby counties of Monroe, Washtenaw, Oakland, Macomb, and St. Clair. In addition to the Detroit urbanized area (as defined for 1950 census) the larger cities included are Ann Arbor, Pontiac, and Port Huron.

Alternative proposals were considered at the hearing to extend regulation to the substantial centers of population in the lower peninsula of Michigan which are not now included in the marketing areas of the Detroit, Toledo, Muskegon and Upstate Michigan orders. Six cooperative associations proposed that this be by a separate order for a Central Michigan marketing area to include all of 22 counties and 25 townships in four other counties. Michigan Milk Producers Association, which represents more than 80 percent of Detroit producers and more than half of those producers supplying the proposed Central Michigan area proposed that the Detroit marketing area be extended to include much of the same territory. Handler proposals expanded the area under consideration to a total of 32 counties plus parts of eight others. While not coextensive, all the principal proposals included Battle Creek, Bay City, Flint, Grand Rapids, Jackson, Kalamazoo, Lansing, Saginaw and their environs. These are the largest cities in Michigan for which the handling of milk is not now regulated, with urban populations ranging from 50,000 to 250,000.

This area is also that from which the great majority of the milk supply for the presently defined Detroit market is drawn. Eighteen of the 20 supply plants qualified for Detroit are located in the area, as are farms of producers delivering milk direcly to Detroit bottling plants. Total Detroit production in the area is more than double that for the outstate markets.

There is considerable variation in the milk marketing methods in effect in these principal centers of population and in some instances these differences occur within the same area. Locals of Michigan Milk Producers Association at Bay City, Saginaw, Midland and Mount Pleasant negotiate class prices for all milk sold dealers in what is generally called the "Valley Market" and distribute returns to producers through an association pool. The Valley pool represented approximately 800 producers with production of 147 million pounds of milk in 1957. Similar arrangements prevail at Battle Creek and Jackson for lesser volumes of milk, 48 and 37 million pounds, respectively, in 1957. In the Flint area, class prices are likewise negotiated with local dealers distributing approximately 90 percent of the fluid sales of Flint plants, but returns to producers are based on the utilization of the plant to which the individual producer ships his milk. Producer receipts in 1957 were approximately 160 million pounds.

At Grand Rapids some dealers served by Michigan Milk Producers Association buy their milk at class prices, others on

a plant requirement basis. This volume represents only about 40 percent of the supply. For much of the remainder, another cooperative (Independent Milk Producers Association of Grand Rapids, Inc.) negotiates sales with dealers on different plans, but apparently establishes neither the volume nor the utilization of the milk sold on these plans. Grand Rapids milk supplies are estimated at approximately 120 million pounds annually.

The Kalamazoo Milk Producers Cooperative sells to cooperating dealers approximately 60 percent of the local milk supply on a classified price basis and distributes returns to its members through an association pool. Forty percent of the local milk supply is bought on varying flat price bases without regard to the use made of the milk. The proportion of milk bought without regard to use has increased steadily in recent years.

At Lansing there are no effective bargaining arrangements between producers and dealers. Paying prices to 683 producers delivering to 11 plants approximate the Detroit producer prices at plants near Lansing, regardless of the use made of the milk. This makes it profitable for Lansing dealers to maintain the highest possible utilization. Except as the producer members of a cooperative association processing and distributing milk share in income over operating costs, producers receive no benefit from the high Class I utilization of Lansing plants.

In addition to the distribution of milk from these principal centers of population there are numbers of small plants located in smaller cities and towns whose milk supplies are procured without regard to utilization. There is in addition substantial distribution throughout much of the area from the plant of a cooperative association located in Montcalm County. This plant is presently regulated under the Upstate Michigan order but distributes approximately 60 percent of its Class I sales in the Southern Michigan territory.

Substantial volumes of milk in packaged form are now sold in sales territory heretofore associated with each of these cities by dealers from one or more of the other cities. There is also extensive competition in the intervening smaller communities. Milk processed and packaged in Flint is sold in the "Valley" area and vice versa. Lansing milk is sold in the "Valley" area, Grand Rapids, Jackson, Battle Creek and Kalamazoo, and near, but not in, the City of Flint. One handler with bottling plants in Detroit, Lansing and Flint formerly operated a plant in Grand Rapids, but now serves his Grand Rapids trade from his Lansing plant. A substantial number of producers that formerly delivered to the Grand Rapids plant now deliver their milk to the Lansing plant.

Grand Rapids handlers recently have extended greatly their area of distribution, principally through chain store sales. One Grand Rapids dealer now serves stores in Livingston and Oakland Counties adjacent to the present boundary of the Order No. 24 marketing area. In addition this handler serves stores throughout the western half of lower Michigan, as does another Grand Rapids handler. Milk from Lansing and Grand Rapids, from the cooperative plant regulated under the Upstate Michigan order, and from a plant of another cooperative association in Berrien County are all sold in Kalamazo. Milk primarily associated with Kalamazoo is sold in Lansing, Jackson and in the area near Battle Creek.

These extensive inter-area sales have had substantial impact upon the classified price plans and local association pools operated in a number of the markets. The general effect has been to decrease the volume of Class I sales of dealers buying on classified price plans and to increase those of dealers procuring their supplies without regard to utilization. A further effect has been the negotiation of special sub-classes for areas of competition or types of outlets.

The most extensive expansion has been from Lansing, for which no classified price plan applies. The Valley pool provides reduced Class I pricing for milk sold in specific competitive areas. The Kalamazoo classified price schedule provides a 25-cent per hundredweight discount for milk sold to grocery stores and a further 25-cent reduction for milk sold by the first receiver to another milk plant. At Jackson and Battle Creek, from which local handlers have not engaged in extensive inter-area sales, substantial price concessions have been negotiated to meet the competition of milk from other districts. The Grand Rapids association pool has an equalization arrangement with the Battle Creek pool to compensate for the Grand Rapids sales in Battle Creek. While sales from outside plants in the City of Flint have been wholly from a plant in the "Valley" area for which price negotiations are on a basis comparable to Flint, the impact of milk purchased at flat prices has been felt in Flint. For some months in 1958 a Flint dealer who also operates a plant in Lansing diverted Lansing producers to his Flint plant, assigned these deliveries to his Class I sales and thereby increased the surplus milk for which his Flint producers were paid while the diverted producers were paid at Lansing prices.

Detroit handlers make substantial sales outside the presently defined marketing area. For such sales they compete with dealers from the outside markets. Throughout the "Thumb" area of Sanilac, Lapeer, Tuscola and Huron Counties a regulated handler whose plant is in Port Huron competes with Flint and Saginaw Valley dealers and markets 38 percent of his Class I sales in these counties. Other Detroit handlers also distribute milk in the "Thumb" area, Genesee County, Livingston County and the unregulated portions of St. Clair, Macomb, Oakland, and Washtenaw Counties. One such handler has daily sales in this area in excess of 30,000 pounds; another dealer sells 16,000 pounds daily.

Except in the "Thumb" area, competition between Detroit and outstate handlers has tended to concentrate nearer to the present marketing area boundary. Handlers with multiple plant operations have shifted their out-of-area sales from Detroit plants to unregulated plants. A handler with Detroit, Valley and Grand Rapids bottling plants maintains a distribution station at Owosso in Shiawassee County from which milk bottled at his Detroit plant had been distributed for considerable time before the Detroit order became effective. Since that time the milk distributed from Owosso has successively been Detroit milk, Grand Rapids milk, Detroit milk again, and is now milk from the Valley plant. The last change was in April 1957 at which time sales through the Owosso station were 25,000 pounds daily. Some Detroit producers were later shifted to the Valley market but their production was substantially less than the sales volumes lost to Dretroit. Substantial sales volumes in Washtenaw, Livingston and Oakland Counties have been lost to the Detroit pool as vendors formerly supplied by Detroit dealers have changed their source of supply to Lansing dealers.

Substantial volumes of milk move from Detroit plants to outstate plants. In 1958 almost 10 million pounds of milk was transferred as Class I milk from Detroit pool plants to nonpool plants not regulated under any other order. Such movements are almost exclusively to bottling plants in the outstate area under consideration.

There has developed a decided tendency for reserve milk supplies in this common supply area to gravitate to the Detroit pool and for the outstate markets to rely on the Detroit pool for supplemental supplies in the short season. Two of the cooperatives proposing a separate Central Michigan order operate Detroit supply plants in addition to the bottling plants from which they distribute milk. Reserve supplies may thus be carried in the Detroit pool without sharing Class I sales with Detroit producers. A number of outstate markets now receive milk only from farmers equipped to make delivery in bulk tank trucks. In the transition to this form of delivery producers delivering milk in cans transferred to nearby Detroit receiving plants. During the past two years there has been a substantial increase in the production of inspected milk in this area of Michigan. Yet for that portion (about 65 percent of the total) of the outstate markets for which records are available Class I sales have increased faster than producer receipts; receipts for 1956 were 136.5 percent of sales, 130.8 percent in 1957 and 126.5 for the data available for 1958. Detroit receipts, on the other hand increased from 139.4 percent of sales in 1956 to 144.9 in 1957 and 152.2 in 1958.

The rapid development of long distance sales distribution has outdated the local market concept upon which negotiated class prices and association pools have operated in certain of these population centers. The lack of any bargaining arrangements in some local markets, the volume of milk not affected by the arrangements in other local markets and diversity of producer representation preclude voluntary establishment of uniform bargaining and pooling arrangements for wider areas recognizing present sales patterns. Organized producer groups

without exception support the proposal for minimum price regulation in this area. Handler opposition was largely confined to dealers in smaller communities.

It would be impossible to establish any realistic separate marketing area boundaries for the outstate markets and the Detroit market which would not provide for substantial sales of Detroit handlers in the proposed Central Michigan marketing area. Regulation of the outstate areas, in whatever form, provides opportunity for outstate dealers to market milk in the Detroit area without incurring additional regulation. This actual and potential sales competition and the common supply area require that most provisions of any regulation applicable in the outstate area be the same as those for Detroit, and that class prices at outstate points be closely integrated with those applicable at Detroit plants. The issue with respect to a separate Central Michigan order versus extension of the present Detroit area is whether distribution to producers should be divided into two pools or be through a single pool.

The substantial sales competition throughout the area and the common co-extensive supply area leads to the conclusion that in Southern Michigan there is a single market supplied from a single supply area practically co-extensive with the market. Under these circumstances producers should share equally in the returns of the entire market. It is concluded there should be a single regulation for the Southern Michigan marketing area hereinafter defined, and that this should be accomplished by appropriate amendment of Order No. 24.

Stability of marketing conditions can be assured only when (1) all handlers in the entire area pay for their milk supplies on the basis of use, at prices uniform except for necessary adjustments for location of receipt and butterfat content, (2) such use is verified by impartial audit, (3) producers supplying all handlers receive uniform prices for their milk without regard to the use made of it by the handler receiving such milk, subject to similar adjustments, and (4) accurate information as to the total receipts and sales is provided to all interested parties. Inclusion of the area in a milk marketing order will provide the only practicable means of achieving these needs.

(b) *Character of commerce.* The handling of milk in the outstate areas to be brought under regulation affects and is affected by interstate commerce as is the present Detroit Federal order market.

There is considerable competition for milk supplies between these outstate markets and other Federal order markets. Supply plants for the Cleveland market are located at Coldwater and Constantine, Michigan, for which procurement routes compete for supplies with routes for Battle Creek, Kalamazoo and Detroit. A Chicago supply plant at Zeeland competes with Kalamazoo, Grand Rapids and Detroit for milk supplies. Procurement routes of Toledo, Ohio, handlers extend into the southeastern portion of the area. Grand Rapids and Kalamazoo dealers compete for milk supplies with Muskegon handlers.

There is likewise considerable competition for sales with Federal order markets other than Detroit. Toledo, Ohio, handlers extend their routes into the vicinity of Jackson and Battle Creek and a Toledo handler distributes milk in Livingston County. Certain Grand Rapids and Kalamazoo dealers sell milk in the Muskegon marketing area in quantity sufficient to bring them under partial regulation of the Muskegon order. Two of the Grand Rapids dealers likewise market milk in the Upstate Michigan marketing areas as does one Lansing dealer. The plant of the Dairyland Cooperative Association at Carson City is fully regulated under the Upstate Michigan order, but a substantially greater volume of the Class I sales of this plant are made in the proposed Central Michigan area. Handlers regulated under the South Bend-LaPorte-Elkhart, Indiana, order compete for sales in Berrien County with the Berrien County Cooperative, which also has sales in Kalamazoo.

Substantial volumes of milk inspected for the area are manufactured into dairy products sold outside the State of Michigan, when not needed for fluid distribution.

The handling of milk in the additional area proposed for regulation is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or milk products.

(c) *Specific area to be included.* The specific area to be included in the expanded marketing area, to be redesignated the Southern Michigan marketing area, should include the counties of Barry, Bay, Calhoun, Clinton, Eaton, Genesee, Gratiot, Huron, Ingham, Ionia, Isabella, Jackson, Kalamazoo, Kent, Lapeer, Livingston, Macomb, Mecosta, Midland, Montcalm, Oakland, Saginaw, St. Clair, Sanilac, Shiawassee, Tuscola, Washtenaw and Wayne; the townships of Dorr, Leighton, Hopkins, Wayland, Watson, Martin, Otsego, and Gunplain in Allegan County; the townships of Lincoln and Standish in Arenac County; the townships of Grant and Surrey in Clare County; the townships of Ash and Berlin in Monroe County; and the townships of Wright, Tallmadge, Georgetown and Jamestown in Ottawa County; all in the State of Michigan.

The area thus defined would include (1) the present Detroit marketing area, (2) the "Central Michigan" marketing area proposed by the six cooperatives, (3) all territory intervening between the present marketing area and the proposed Central Michigan marketing area, and (4) two townships each in Arenac and Clare Counties. The extent is almost 19,000 square miles and the population is in excess of 6.25 million people. This represents the principal area within which dealers serving Detroit, Ann Arbor, Pontiac, Port Huron, Flint, the Saginaw Valley area, Lansing, Jackson, Battle Creek, Kalamazoo and Grand Rapids compete with each other and with local plants serving the intervening smaller communities of the area.

All milk sold for fluid consumption in Michigan must meet the farm and plant inspection standards of the Michigan Milk Law, Act No. 109, P.A. 1929. Any milk sold under a Grade A label must also meet inspection standards of the State Grade A milk law, Act No. 216, P.A. 1956. While local county and municipal governments may and do adopt local milk ordinances these cannot be in conflict with the state laws. From 85 to 90 percent of the milk distributed in the proposed Central Michigan area is sold under the Grade A label. While Detroit dealers have not begun use of the Grade A label to this extent, the Detroit ordinance has recently been amended to incorporate the farm and plant inspection standards of the State Grade A law and 96.5 percent of the Detroit farm supply had qualified under Grade A standards at the date of the hearing, so that practically the entire Detroit supply could be distributed under a Grade A label.

Milk from the Valley pool is now supplied to the only handler whose plant is located in Clare. This dealer has distribution in Midland, and also receives milk in paper packages from the Dairyland Cooperative plant at Carson City. Under these circumstances it is appropriate that two townships in Clare County surrounding the City of Clare be included in the area. Inclusion of two townships (Lincoln and Standish) in Arenac County is appropriate to include the City of Standish located near the Bay County line and the City of Pinconning in Bay County. It is estimated that two Saginaw dealers and the Carson City plant distribute 85 percent of the milk in this area.

The marketing area should not be extended at this time to include the four townships in Monroe County not now in either the Toledo or Detroit marketing area. There appears to be no significant distribution of milk not subject to price regulation in these townships.

The proposal to include the portion of Lenawee County not now in the Toledo marketing area should likewise be denied. There is little if any unpriced milk sold in Lenawee County. The principal basis upon which its inclusion in the Detroit area was urged was to eliminate the producer location adjustment applicable at a Detroit pool plant. Retention of location adjustments at other supply plants was a factor in limiting the area included in other proposals. As indicated elsewhere in this decision, consideration must be given to location adjustments within the boundaries of a marketing area as extensive as Southern Michigan. The provisions recommended with respect to location adjustments lessen need for consideration of including Lenawee County in the marketing area and likewise permit inclusion of certain other areas in which Detroit supply plants are located.

Sales in Hillsdale and Branch Counties by handlers to be regulated are not sufficiently substantial to require their inclusion in the marketing area at this time. In addition to that of Toledo handlers there is distribution in these counties by some Indiana dealers. While

there was a specific proposal for inclusion of two townships in Branch County, no evidence was offered to distinguish marketing conditions in the two townships from the remainder of the county.

The three southwest Michigan counties of Berrien, Cass and Van Buren should not be included. One plant located in Berrien County will be regulated by virtue of sales in and near Kalamazoo. This plant is operated by the Berrien County Milk Producers Cooperative, a proponent of regulation in the Central Michigan area. The principal distribution of this cooperative in Berrien, Cass and Van Buren Counties is, however, from another plant. There is substantial competition in this area from milk priced under the South Bend-LaPorte-Elkhart and Chicago orders. A bottling plant located at Niles in Berrien County is regulated under the South Bend-LaPorte-Elkhart order. While Kalamazoo dealers sell some milk in these counties, the volume represents a minor proportion of the total sales.

Neither should Newaygo County be included. A local dealer in this area with ten producers competes with both Muskegon and Grand Rapids dealers. His procurement practices were not shown to be a demoralizing factor. Likewise no need was shown for extending regulation to Iosco County or to the remaining portions of Arenac and Clare Counties.

II. Order Provisions.

(a) *The scope of regulation*—(1) *Milk to be regulated.* With relatively minor modifications the provisions of the present Detroit order defining producers whose milk is to be priced and pooled and pool plants subject to full regulation of the order are appropriate for the expanded area.

A "producer" is now defined as any dairy farmer whose milk is received at a pool plant or is diverted from a pool plant to a nonpool plant for the account of a handler. For the expanded area it is desirable that in addition the term "producer" should be restricted to those dairy farmers producing milk in conformity with the sanitation requirements for fluid milk of any duly constituted health authority. This will prevent pooling uninspected milk receipts of dual plant operations which are not so segregated physically and in accounting practices as to enable them to be treated as separate operations.

Distributing plants with route distribution of Class I milk in the marketing area are presently regulated as pool plants (1) if located in the marketing area or if they have daily average distribution on routes entering the area of 600 pounds or more, and (2) if specified percentages (55 in October through March, 45 in other months) of receipts from producers and supply plants are disposed of on routes either within or without the marketing area. The 45 percent requirement does not apply to plants which qualified each month of the preceding October-March period.

Provisions should also be made to qualify as pool plants standby plants operated by cooperative associations as adjuncts of their function of supplying direct-shipped milk to the outstate markets. Such plants are presently operated at Saginaw and Grand Rapids by the Michigan Milk Producers Association. The proponents of the separate order for the Central Michigan area proposed to afford such plants pool status on the basis of performance of the cooperative in supplying member milk direct to the pool plants of other handlers. Under the Southern Michigan order these particular plants may be pooled as supply plants under the aggregate performance or "system" provisions to be retained in the order. Provision should be included, however, to afford pool status to plants of other cooperative associations rendering similar services under similar circumstances. To qualify such a plant the cooperative association that operates it must deliver at least two-thirds of the milk of its members to pool plants of other handlers. While the present need for any such operation is in connection with supplies of the principal outstate cities, the provision is not so limited.

The Kalamazoo Creamery Company operates a dual plant operation at Kalamazoo, Michigan, which has historically served as a surplus disposal outlet for the western portion of the enlarged marketing area in addition to selling fluid milk on routes. Substantial volumes of milk are diverted to the manufacturing facilities of this plant by cooperative associations, particularly the Kalamazoo Milk Producers Cooperative, which operates no plant of its own. In order that the orderly marketing of milk in portions of the area may not be interrupted it is provided that the receipts to which the required percentages of route distribution apply in the case of a distributing plant shall not include receipts which a cooperative association that operates no milk plant identifies as diverted from other pool plants for manufacturing use if the total volume of such certification does not exceed one-third of the cooperative association's milk supply. Unless this is provided the regular receipts for fluid use of plants providing the services of surplus disposal for cooperatives operating no plant might not be pooled but the diverted milk could retain pool status. The volume limitations provided are identical with those for standby plants operated by cooperative associations.

The Detroit order provides that a nonpool handler with route distribution in the marketing area pay the difference between the Class I and Class II prices on his in-area sales or any amount by which such handler has failed to pay his dairy farmers the use value of all milk at order prices, whichever is less. Expense of administration is assessed on the volume of his in-area sales. Obviously, comparison of the classified use value of all such a handler's receipts with respect to the payments made to dairy farmers involves fully as much verification of receipts and utilization by the market administrator as is required at a fully regulated pool plant. The nonpool handler should, therefore, be subject to the same administrative assessment if he is to receive the benefit of this comparison.

Should such a handler choose to forego this comparison and pay at the difference between class prices on his in-area sales, the verification required is reduced materially and it is appropriate that the expense of administration apply only to the volume of in-area sales. Accordingly, it is provided that the handler may elect this option at the time of filing his report.

Conditions for qualification of supply plants for pool status should be retained as presently provided except that the required health authority plant approvals should be broadened from those of Detroit, Ann Arbor, Pontiac, Port Huron, and Wayne County to that of any appropriate health authority of the marketing area. It is to be expected most supply plants will continue to qualify on shipments to the Detroit area, but provision should be made to price and pool those plants that may make the required shipments to distributing plants in other parts of the area.

The definition of "handler" should be modified to include a cooperative association with respect to milk of its producer members which is delivered to a pool plant of another handler in a tank truck owned, operated by, or under contract to the cooperative association for the account of the cooperative association.

The transportation of milk from farm to market in insulated tank trucks owned, operated by, or under contract to, a cooperative association creates a problem with respect to the determination of the responsibiilty to the individual producer in the expanded area, if the cooperative association is not made a handler for such milk. This problem would be particularly acute with respect to the Battle Creek and Kalamazoo markets. In the case of the Battle Creek market, all the producers delivering to the Battle Creek handlers are bulk tank shippers and the transportation from farm to plant is controlled by Michigan Milk Producers Association. The handlers have no knowledge of the identity of the individual producers from whom they receive milk, nor of the weights and tests of milk of individual shippers. The cooperative association maintains such information for its member shippers, but the handlers know only the volume and test of the truckload. The handlers pay the cooperative association on the basis of use. The Kalamazoo market operates in a similar manner. This situation prevails not only in these districts but has been a market custom in other portions of the enlarged marketing area.

When a cooperative association is in control of the transportation, it is more appropriate to permit the cooperative association to qualify as a handler under the order and to report milk so handled. In such case the cooperative association will report to the market administrator the producers, the quantity of milk so handled and the aggregate disposition of the milk. Accounting for the disposition of the milk will be handled in the same manner as presently provided for transfers of bulk milk from a cooperative association plant to the pool plant of another handler. Classification is established on the basis of utilization as pro-

ducer milk in the receiving plant, and settlement is made to the cooperative association at the base milk price. The cooperative association will be required to make monthly reports and make payments to the administrative fund with respect to such milk.

It was proposed that a producer-handler be pooled if his average daily production exceeded 1,075 pounds per day. It appears, however, that the principal objective sought to be achieved by the volume limitation is provided for by the requirement that a producer-handler utilizes only his own production or milk received from pool plants. Milk transferred from pool plants to a producer-handler is classified as Class I. It follows that any supplemental milk will have to be pooled and will not represent a nonregulated source of supply to the producer-handler. Therefore, it is concluded that change in the present producer-handler definition should be limited to requiring the producer-handler to furnish evidence to the market administrator that the production and processing facilities are his own personal enterprise and risk.

"Fluid milk product" is defined in the order because frequent references are made to this group of products. The products specified in the fluid milk product definition are milk, skim milk, flavored milk, buttermilk, yogurt, half and half and cream (exclusive of frozen, whipped (commonly referred to as "aerated") and sour cream).

The term "other source milk" should be defined as all the skim milk and butterfat contained in fluid milk products received by a handler at his pool plant except producer milk and receipts from other pool plants. This definition would also include milk products, other than a fluid milk product, from any source (including those produced at the pool plant) which are reprocessed or converted into another product in the plant during the month. Products neither converted nor reprocessed will not be subject to the allocation and pricing provision of the order because they will in no way affect the allocation or pricing of producer milk in the plant. Products reprocessed or converted should be treated as other source milk regardless of whether received from outside sources or produced in a pool plant. This definition of other source milk will insure uniformity among all handlers under the allocation and pricing provisions of the attached order.

(b) *The classification and allocation of milk.* With certain modifications discussed hereafter in detail the classification, transfer and allocation provisions of Order No. 24 are appropriate for the expanded marketing area.

The state laws cited previously result in substantial uniformity throughout the area in the products which are required to be from inspected milk. The fluid milk products defined represent the substantial volume of such products. The sole controversy with respect to any such products was related to fluid cream, which is presently classified as Class II utilization in the Detroit order. The revised Detroit health ordinance requires that sweet cream be from inspected sources. Sweet cream distributed in fluid form in the outstate markets is from inspected sources. There is evidence, however, that whipped (aerated) and sour cream are widely distributed without being from locally inspected sources.

In view of the requirement that fluid sweet cream disposed of for consumption as such be from inspected milk, the extra cost of producing such milk should be reflected in the cost of cream as a Class I product. Since Class I and II butterfat differentials of the order are identical the additional cost is largely a skim milk cost.

In view of the widespread distribution of whipped cream and sour cream through channels outside of the normal fluid milk trade these cream products are classified as Class II utilization. It is not provided that distribution of bulk cream alone will subject a plant to regulation.

The extent to which cream in bulk form is moved for manufacturing purposes requires different rules of classification of cream transferred to nonpool plants from those now effective with respect to movements of milk and skim milk. There are currently no transfer rules with respect to cream, since any disposition is Class II utilization.

Bulk cream transfererd to a nonpool plant should be Class I unless the handler claims Class II utilization and (1) such nonpool plant is located in Pennsylvania, New Jersey, New York or one of the New England states, or (2) the market administrator is permitted to audit the records of receipts and utilization at such nonpool plant and the plant has at least an equivalent amount of skim milk and butterfat in Class II utilization. Retention of Class II classification of cream shipments to plants in these eastern states will allow handlers who have established cream accounts to remain competitive in these markets. With the single exception of New York City for which no Michigan cream meets inspection requirements, fluid cream is priced in a class comparable to the Southern Michigan Class II under all Federal orders in these states. There is, therefore, no need for the market administrator to verify manufacturing use of cream shipped to this area. Cream moved to a nonpool plant other than those located in the above mentioned states is moved primarily for surplus disposal into manufactured products. If the nonpool plant had at least an equivalent amount of Class II utilization to cover the shipment of cream and the market administrator could verify it, the cream so transferred would be Class II. The majority of the cream transferred to nonpool plants will be for manufacturing purposes, therefore, it is not appropriate to apply the same transfer provisions to cream as are applied to milk and skim milk. In addition, provision should be included to classify as Class II utilization all fluid milk products disposed of in bulk form to commercial food processing establishments for use in food products prepared for use off the premises.

Inventories of fluid milk products on hand at the end of the month should be classified as Class II.

Handlers have inventories of milk and milk products on hand at the beginning and end of each month which should enter into the accounting for current receipts and utilization. It is appropriate that the ending inventory of fluid milk products be classified as Class II. This manner of classifying inventory, with correlated steps in the allocation procedure, provides a means of charging each handler for his Class I sales each month at the current Class I price. Fluid milk products, whether in bulk or packaged form, should be inventoried and classified as Class II. Manufactured milk products are not included in inventory accounting because the skim milk and butterfat used for such products are accounted for in the month when such products are manufactured.

Uniformity in the application of the pricing provisions and simplicity of accounting are achieved if, so far as possible, Class I utilization each month is assigned to current receipts of producer milk. This can be accomplished by classification of closing inventory as Class II, and allocation of opening inventory to Class I only when current receipts of pool milk (except Class II shrinkage) are less than Class I sales. In such case, the handler should pay the difference between the Class II price for such milk in the preceding month and the current Class I price. The volume on which this charge is made should not exceed the volume (in excess of Class II shrinkage) for which producers were paid at the Class II price in the preceding month.

Any opening inventory of fluid milk products subtracted from Class I in excess of the volume of producer milk classified as Class II in the preceding month should be subject to a reclassification charge, if such milk was not classified and priced under another order issued pursuant to the Act.

It was proposed that packaged Class I milk classified and priced under another Federal order be allocated to Class I in the proposed Central Michigan order. A handler proposed this provision to accommodate integrated operations of plants which would have been regulated under both the Central Michigan and Detroit orders. In view of the findings that one order should regulate the Southern Michigan area there is no need for such an allocation provision. It is therefore denied.

(c) *Determination and level of class prices*—(1) *Class I price.* The basic formula price and the Class I price differentials of Order No. 24 should continue to be used under the order for the enlarged area, subject to the supply-demand and location adjustments discussed hereafter. Class I differentials of $1.23 for the months of February through July, and of $1.63 for other months, are now added to a basic formula price which is the highest of the average paying price of 12 midwest condenseries, a butter-powder formula price and the paying price of the Michigan plants that determine the price for Class II milk.

A proposal to include as an alternative basic formula price a formula price based on market values of cheese and butter should not be adopted. Use of this basic formula price was advocated on the basis that it was included in the pricing mechanism of the order for the nearby Toledo market. Official notice is taken that by amendment of the Toledo order since the date of the hearing the cheese-butter formula is no longer used in that order. It is also concluded that the paying prices of the Michigan plants listed in the order should be used rather than the paying prices of a slightly different list of plants proposed for the Central Michigan order. No significant differences in the level of prices paid by the two groups of plants was shown.

There was no proposal to change the Class I differentials of the order. Instead the Detroit differentials were proposed for the Central Michigan order. The annual average differential of $1.43 is in reasonable alignment with those of the Chicago ($90 cents) and Cleveland ($1.65) orders, considering the distances between the markets and costs of transporting milk such distances. The annual average ($1.45) of the Class I differential of the nearby Toledo market is now in close alignment with this differential. Toledo handlers sell considerable milk in competition with dealers now regulated and to be regulated, some of which is sold in the Southern Michigan marketing area.

Subject to certain interim provisions necessary to incorporate in an orderly manner the substantial sales and receipts of the additional territory added, the Class I price should be adjusted on the basis of the supply-sales relationship in the most recent two-month period. The Class I price should be increased when the most recent two-month period data indicate that the annual average level of supply is less than 136.7 percent of Class I utilization. This is the average of the monthly normal percentages presently incorporated in the order. Likewise it should be decreased when indicated supplies exceed the 136.7 percent figure. Instead of stated seasonal norms seasonal experience of a recent period should determine the seasonally adjusted normal percentages with which utilization in the current two-month period is compared. The maximum range of adjustment should be 45 cents, as presently provided in the Detroit order.

As indicated elsewhere in this decision milk supplies in the Detroit market have increased substantially in recent years, both in total and in relation to Class I utilization. Since April 1956 negotiated "superpool" prices have been in effect in the market. As a consequence the supply-sales relationship presently prevailing cannot be used as a basis for judging effects of the level of Class I prices established under the order. Such prices have not been the effective prices of the market. It is impossible to estimate what supply conditions at any given time might be had order prices been effective. Since such supply conditions in turn determine the amount of supply-demand adjustment, the order prices that would have prevailed under such circumstances likewise cannot be determined.

It is concluded that the normal supply level at which no adjustment would occur should remain the 136.7 annual average. While at the present Class I utilization in the outstate territory added is substantially less than that of the present order pool, data available with respect to earlier periods indicates that when annual supplies in the Detroit pool approximated the established "normal" percentage, supply conditions in the outstate area were substantially the same as those in Detroit. It is within the past two to three years that considerable divergence in utilization has developed, principally by increase in Detroit supplies but also by substantial decrease in the relation of outstate market supplies to sales. It is evident that the normal supply sales relationship for the expanded market will be accurately reflected by the present annual norm (which was computed before the supply transfers of the last few years took place). These circumstances justify the conclusion that the annual average level of supply considered normal under the present order is likewise appropriate under the order for the expanded area.

As soon as sufficient experience under the expanded order provides necessary data the "two-month" normal percentages used to reflect the necessary seasonal variation from the 136.7 percent annual average should be determined from recent experience. Changes in the seasonal pattern of utilization are taking place in the market as producer numbers decline but production per farm increases much more rapidly. Changes in the seasonal pattern of utilization have not been as great in this as in some other areas but are of significance. When viewed on a calendar year basis the constantly increasing ratio of supplies to sales that has occurred since 1956 exaggerates the extent to which changes in seasonality have occurred. These seasonal changes have likewise had the effect of decreasing the relative ratio of supplies to sales in early months of the year as compared to fall and early winter months, but to a lesser degree than the calendar year comparison would indicate.

In order that supply-demand adjustment of the Class I price for the order for the expanded area may reflect as soon as possible recent seasonal patterns of utilization of the milk to be priced, provision should be made to use this experience as soon as practicable without introducing substantial random variation or errors due to non-seasonal trends of supplies or sales. To do this the utilization percentages (ratio of supplies to sales) in the immediately preceding two-month period and of the same periods one and two years earlier should be averaged and compared to the utilization percentage of the two-year period beginning with the 25th preceding month and ending with the 2d preceding month. This will thus provide a comparison of the average two-month utilization at approximately the beginning, center, and end of a two-year period with that of the two-year period. The relationship thus established would be applied to the annual average of 136.7 to establish the "norm" for comparison with actual utilization in the most recent two-month period.

Under the provisions described, a period of twenty-six months must ensue before all required data based upon experience under the expanded order are available. Such a period is too long to defer all provisions for supply-demand adjustment of the Class I price. In view of the period for which superpool prices have negated the effects of the present provisions some period for which no adjustment is provided is appropriate to afford a possibility that adjustment may be based on results of the order pricing to which it is to be applied. It is provided that for the first six months the adjustment shall be inoperative. For the additional eight-month period for which a full year's receipts and sales of the enlarged market area cannot be compared with utilization in more than one two-month period the rate of adjustment should be modified from the rate of three cents per percentage point of deviation to one-cent for the 7th through the 10th month and two cents for the 11th through the 14th month. Normal percentages averaging 136.7 percent are stated in the order for use during this period. These reflect recent seasonal experience of the Detroit market with some modification for the seasonal pattern of utilization in the outstate markets for which data are available. For the period from the 15th through the 26th month the three-cent rate is applicable but it is provided that the stated norms shall be averaged with seasonal experience developed under the order for the most recent 14 months.

(2) *Location adjustments.* The Class I price should be adjusted for the location of the plant at which milk is received from producers. Adjustments are provided in the present Detroit order, for Class I milk received at plants outside the marketing area and more than 34 miles from the Detroit City Hall (or in certain instances the boundary of the marketing area). The rate of such adjustments is 14 cents per hundredweight for the 34–50 mile zone, 15 cents for the 50–70 mile zone and one-cent additional for each 20 miles or fraction thereof over 70 miles.

Proponents of enlarging the Detroit order and of the Central Michigan order proposed that no location adjustments apply within the respective marketing areas. Accordingly, the Michigan Milk Producers Association's proposal to enlarge the marketing area omitted certain areas in which Detroit supply plants are presently located. Price relationships between plants located near each other and regulated under the same or companion orders cannot be ignored regardless of marketing area boundaries. Accordingly, the marketing area described elsewhere in this decision was determined on the basis of factors other than location of present Detroit supply plants. Of 20 such plants 16 are located in that area. Three others are located near the area boundary.

Price relationships between the various portions of this extensive area from which both Detroit and the outstate cities draw their supplies present an ex-

tremely complex problem. At a number of outstate points Class I prices at the full f.o.b. Detroit level (including "superpool" prices) have been negotiated although in many such cases not applicable to comparable classification. The same producers' organization that has negotiated these outstate prices is responsible for movements of the majority of milk from supply plants to Detroit plants.

It is obvious that differences as great as the present initial location adjustment of 14 cents are not appropriate between bottling plants within short distances of each other. Prices 15–20 cents less than the Detroit price are appropriate at plants in western Michigan, where procurement and sales competition with Chicago, South Bend-LaPorte-Elkhart and Muskegon dealers justifies a lower price level. The Muskegon Class I differentials average $1.25 or 18 cents less than that provided at Detroit.

In the attached order the marketing area and certain adjoining or nearby Michigan counties are divided into six zones. A number of exceptions were received to the specific boundaries and adjustment rates proposed in the recommended decision. As the result of a careful review of the record evidence in the light of such exceptions, it is concluded that certain modifications of the area boundaries and rates are appropriate. In addition to the present marketing area, the first zone, for which no adjustment is provided, includes those portions of Macomb, Oakland, and St. Clair Counties added to the marketing area, that portion of Monroe County not in the marketing area (but most of which is in the Toledo marketing area), Genesee County and the principal portions of Bay and Saginaw Counties. In this densely populated area extending through Detroit and Flint to Saginaw Bay it appears that a single Class I price will best promote orderly marketing conditions.

Zone II, for which a Class I price 7 cents less than the Zone I price is provided, will include Ingham, Jackson, Livingston, and Lenawee Counties and portions of Hillsdale, Lapeer, and Washtenow Counties. It represents essentially the territory exclusive of Bay and Saginaw Counties for which a 6-cent adjustment was proposed in the recommended decision, plus the Lansing and Jackson markets and the southern portion of Lapeer County, all proposed for inclusion in a 10-cent zone. Competitive sales and procurement relationships require modification of the rates in the Lansing, Jackson, and Lapeer County area corresponding to that made in the Flint area. The southern portion of Sanilac County and western tip of Huron County are changed from a 15-cent proposed rate to the 10-cent zone in response to exceptions received. A 12-cent zone is provided for the eastern portion of the rather extensive area for which a 15-cent rate was proposed in the recommended decision and minor adjustments are made in the boundary between the 15- and 20-cent zones.

The six zones provided thus represent adjustments of 0, 7, 10, 12, 15, and 20 cents, respectively. The 20-cent zone is restricted to area extending westward to or toward Lake Michigan from the marketing area. For plants located outside this zoned area and more than 50 miles from the Detroit City Hall present rates of adjustment apply.

The differences provided by these zone rates are appropriate to recognize distances from Detroit, concentrations of population and the extent to which nearby production exceeds local demand.

It is concluded that they should be applicable to the price of Class I milk and to payments to producers for base milk or at the uniform price. A more equitable pattern of producer pricing will result if no location adjustments apply to the excess milk price. The excess milk price has been 17 cents above the Class II price but subject to location differential. It is provided herein that the excess milk price shall be the Class II price without location differentials.

The location adjustments provided by this zoning system are somewhat less than those applicable under present mileage rates at Detroit supply plants. The record indicates that in many areas producers can increase their net returns by bulk deliveries direct to Detroit plants. Cost of delivery from the farm to supply plant combined with the location adjustment exceeds the direct haul from farm to Detroit. As a consequence a number of Detroit supply plants have closed in recent years. It was proposed that the producer adjustment be reduced six cents per hundredweight at all supply plants, without change in the handler adjustment. In certain exceptions received which advocated reductions of the rates of adjustment proposed in the recommended decision a request was included that the difference between the rates requested and those now in the order be allowed from the pool with respect to milk moved from supply plants to the Detroit area. To accede to this request would establish a different cost for Class I milk moved in bulk to Detroit from that effective for Class I milk processed and packaged at the plant at which received in the same area. The order should provide a uniform price for all milk utilized as Class I milk that is received at any given location. The average rate of adjustment provided herein at present Detroit supply plants is somewhat less than that of the present rates, but not as low as proposed in a number of exceptions received.

The Detroit order presently provides that with respect to movements from supply plants to distributing plants applicable location adjustments are credited to the transferee handler rather than the handler receiving the milk from producers. Administrative convenience and the custom of the market make it desirable that this practice be continued.

(3) *The Class II milk price.* The provisions for pricing Class II milk should not be changed.

The Class II milk price, since September 1956, has been the higher of the average paying prices of certain Michigan milk manufacturing plants or a butter-powder formula price less 18.3 cents for the months of February through September. For the four months of October through January, twenty cents per hundredweight is added to this price.

The proponents of the Central Michigan order proposed that the Class II price be the same as the Detroit Class II price, except for a slightly different list of manufacturing plants and elimination of the 20 cents in the months of October through January. The Michigan Producers Dairy Company proposed that a credit of 20 cents per pound on skim milk and one-half cent per pound of butterfat on all the skim milk and butterfat used to produce nonfat dry milk and butter during the months of October through January. Certain handlers proposed the deletion of the 20 cents during the months of October through January.

The posted paying prices of the Michigan plants have been the effective Class II price making factor each month from September 1956 through August 1959. While the plants included in this list are representative of manufacturing operations in the lower peninsula of Michigan, the posted paying prices used are not representative of the actual prices paid for manufacturing milk. Manufacturing plants in this area quite generally pay premiums over posted pay prices. Testimony at the hearing would indicate that such payments equal or exceed on the annual average the 6.7-cent average effect of the 20-cent addition for four months.

The record contains prices reported paid by Michigan plants for milk used for evaporated milk and also for milk used in butter and creamery by-products. Official notice is hereby taken of reports of such prices published by the Department since the hearing. For 1958 the posted paying prices of the plants named in the order averaged 7.7 cents less than the prices reported paid by condenseries and 4.2 cents less than those reported paid by creameries. For the first five months of 1959 the posted plant prices averaged 7.0 cents less than the condensery prices and 5.8 cents less than the creamery prices. These comparisons are at the average tests of milk reported received by the condenseries and creameries, respectively, with the posted paying prices adjusted by the order Class II differential. Therefore, with the 20-cent addition in four of twelve months the Class II price of the order is in good alignment with prices paid in the area for manufacturing milk.

For 1958 the Detroit Class II price averaged $3.015 as compared with a Class III price of $3.01 under the Cleveland order. This class does not include cottage cheese, one of the higher valued products to be retained in Class II under the Southern Michigan order.

In view of the above facts the Class II price as now determined in the Detroit order is an appropriate value for milk used in manufacture of dairy products and should be used to determine the Class II price in the amended order.

Official notice is taken that there was further consideration of Class II pricing at a public hearing held September 10, 1959, and that the order was amended,

effective November 1, 1959, to reduce by 10 cents per hundredweight the Class II price for milk used to produce nonfat dry milk, butter and American cheese for the months of November 1959 through January 1960 only. In the decision issued October 21, 1959, it was found that continuation of the factors justifying this amendment could not be predicted from the evidence received, and that accordingly the effectiveness of the amendment should be limited to the immediate period ending January 1960. The amended order attached hereto will not be made effective before expiration of the temporary amendment.

(d) *Distribution of returns to producers*—(1) *Type of pool.* No proposal was made to change the marketwide pool by which returns are distributed to producers under Order No. 24. The proponents of a Central Michigan order proposed marketwide pooling for that regulation. The Detroit marketing system requires marketwide pooling, likewise there is need for wider sharing of Class I utilization among producers in the expanded area than is presently provided by local pools. The sole pooling issue of the hearing was whether there should be one marketwide pool or two. Under the decision to expand the Detroit marketing area it is imperative that the marketwide pool continue.

(2) *Base rating plan.* Payment to producers should continue to be computed under the base-excess plan in all months of the year. Half or more of the producers delivering to the outstate plants to be brought under regulation are paid on base-excess plans essentially the same as that under which Detroit producer payments are computed. Such a plan was supported by producer groups for the proposed Central Michigan regulation. With the modifications described below the present base-excess plan provisions should be continued.

In view of the substantial number of new producers involved and the date at which amendments may now be effective as related to the August–December base forming period, provision must be made for orderly integration of producers currently supplying plants newly brought under regulation. It was proposed that such producers have the option of being paid at the uniform price of the order or of having bases computed on the basis of August–December deliveries certified to the market administrator. The order presently provides for this second option when a plant first becomes a pool plant. In the present instance, however, the number of plants and producers are such that the administrative detail of collecting delivery data for past periods and determining the option chosen by each producer would be quite substantial. Accordingly, it is provided that producers delivering to plants during the first month they are brought under regulation by the proposed redefinition of the marketing area shall be paid the uniform price of the order for deliveries through January 1961. By that date they will have had opportunity to establish bases by August–December 1960 deliveries. Cooperative associations desiring to continue base-excess payments to their members can of course accomplish this under their reblending privilege.

Provisions for payments to other producers without established bases and those producers who elect to relinquish their bases should also be modified by providing that such producers shall be paid at an adjusted uniform price until they have established or reestablished a base by deliveries in the August–December period. For this purpose the uniform price would be reduced by a percentage (seasonally varied from 5 percent for August–December to 50 percent for April–June) of the difference between the uniform and excess prices computed under the order. Such provisions have proved satisfactory under the Muskegon order and simplify considerably the computations with respect to the producers involved. At the same time they provide an equitable means of paying such producers without undue encouragement for producers to relinquish established bases and thus diminish the effectiveness of the base plan in affecting seasonality of production. To avoid confusion during the initial period for which payment at the uniform price (not adjusted) is provided for producers supplying newly regulated plants, the effective dates of this change is deferred until February 1, 1961. Bases to be effective after that date must, however, be computed from deliveries of at least 122 days in the months of August–December 1960. Producers with established bases who relinquish such bases subsequent to September 1960 will receive payment through January 1961 under the new producer payment provisions presently in the order, but will have bases computed at their average September–December deliveries.

(3) *Payments to cooperatives.* Payments due any producer for milk should be paid by the handler to a cooperative association if the cooperative association makes a written request for such payment and if the producer has given the cooperative association written authorization, in the form of a contract or otherwise, to collect such payments. The association request should also provide for indemnifying the handler for any loss due to any improper claim.

Provision is made for handlers to make payments to a cooperative association two days in advance of the time the handler is required to make payments to individual producers in order that all producers will receive payments on approximately the same date. In making such payments for producer milk to a cooperative association the handler should furnish the necessary data from which the cooperative association can make proper distribution of money to producers for whom it collects payments.

Unless a cooperative association can receive payment for the milk marketed on behalf of its member producers it cannot reblend the sales proceeds from milk sold in various outlets. This important function is specifically provided in the Act. The provision in the Southern Michigan order will insure continuation of payment practices now prevailing in Battle Creek, Grand Rapids, Jackson and Kalamazoo. It should not be limited, as was suggested by testimony at the hearing, by the number or percentage of producers supplying the plant that are represented by the association claiming payment. Exceptions to the accuracy of membership claims are subject to the determination of the market administrator.

As indicated elsewhere in this decision payment by a handler to a cooperative association for milk transferred from an association operated pool plant and for milk for which the cooperative association is a handler by virtue of operation of a bulk tank route should be made at the base milk price. The date of such payment should likewise be two days earlier than the date for payments by the handler to individual producers.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction

with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Southern Michigan Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Detroit, Michigan, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum Order; Determination of Representative Period; and Designation of Referendum Agent

It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Detroit, Michigan, marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of October 1959 is hereby determined to be the representative period for the conduct of such referendum.

A. T. Radigan is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Issued at Washington, D.C., this 11th day of December 1959.

TRUE D. MORSE,
Acting Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Detroit, Michigan, Marketing Area

Sec.

AUTHORITY: §§ 924.0 to 924.111 issued under sec. 5, 49 Stat. 753 as amended; 7 U.S.C. 608c.

§ 924.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Detroit, Michigan, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

rata share of such expense, 2 cents per hundredweight or such amount not to exceed 2 cents per hundredweight as the Secretary may prescribe, with respect to (a) all receipts within the month of milk from producers, including milk of such handler's own production, (b) all other source milk on which payments are computed pursuant to § 924.60(d), and (c) the applicable amount specified in § 924.66 (a)(2) or (b)(2).

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Detroit, Michigan, marketing area, redesignated as the Southern Michigan marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 924.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 924.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States authorized to exercise the powers to perform the duties of the Secretary of Agriculture.

§ 924.3 U.S.D.A.

"U.S.D.A." means the United States Department of Agriculture.

§ 924.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 924.5 Southern Michigan marketing area.

"Southern Michigan marketing area" hereinafter referred to as the "marketing area" means all territory, including all incorporated municipalities, within the counties of Barry, Bay, Calhoun, Clinton, Eaton, Genessee, Gratiot, Huron, Ingham, Ionia, Isabella, Jackson, Kalamazoo, Kent, Lapeer, Livingston, Macomb, Mecosta, Midland, Montcalm, Oakland, Saginaw, St. Clair, Sanilac, Shiawassee, Tuscola, Washtenaw and Wayne; the townships of Dorr, Leighton, Hopkins, Wayland, Watson, Martin, Otsego and Gunplain in Allegan County; the townships of Lincoln and Standish in Arenac County; the townships of Grant and Surrey in Clare County; the townships of Ash and Berlin in Monroe County; and the townships of Wright, Tallmadge, Georgetown and Jamestown in Ottawa County; all in the State of Michigan.

§ 924.6 Handler.

"Handler" means (a) any person who operates a pool plant, (b) any person who operates a nonpool plant from which fluid milk products are disposed of on a route in the marketing area, (c) a cooperative association, with respect to milk of its member producers which is delivered to the pool plant of another handler in a tank truck owned, operated by, or under contract to such cooperative association for the account of such cooperative association (such milk shall be considered as having been received by such cooperative association at a location identical to the pool plant to which it is delivered), or (d) a cooperative association with respect to milk customarily received at a pool plant which is diverted to a nonpool plant for the account of such association.

§ 924.7 Producer.

"Producer" means any person other than a producer-handler who produces milk in conformity with the sanitation requirements for fluid milk of any duly constituted health authority, which is:

(a) Received at a pool plant; or

(b) Diverted to a nonpool plant for the account of a cooperative association or of a handler operating a pool plant. Milk so diverted shall be deemed to have been received at the pool plant from which diverted, if for the account of the operator of such plant, or at an identical location if for the account of a cooperative association through diversion from the pool plant of another handler.

§ 924.8 Producer-handler.

"Producer-handler" means a dairy farmer who operates a milk plant from which fluid milk products are distributed en route(s) in the marketing area and receives no fluid milk products except from his own production or by transfer from a pool plant. Such dairy farmer shall furnish the market administrator, upon request, evidence that the production and processing facilities are his own personal enterprise and his risk.

§ 924.9 Producer milk.

"Producer milk" means all the skim milk and butterfat contained in milk received at a pool plant from producers (including that diverted to a nonpool plant for the account of the operator of such pool plant) and milk to be classified at such pool plant pursuant to § 924.43(d).

§ 924.10 Other source milk.

"Other source milk" means all skim milk and butterfat contained in (a) receipts during the month of fluid milk products except (1) receipts from other pool plants and (2) producer milk, and (b) products, other than fluid milk products from any source (including those produced at the pool plant) which are reprocessed or converted to another product in the pool plant during the month.

§ 924.11 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored milk, buttermilk, yogurt, half and half or cream (exclusive of frozen, whipped and sour cream).

§ 924.12 Base milk.

"Base milk" means the amount of milk delivered by a producer each month which is not in excess of his base computed pursuant to § 924.70 multiplied by the number of days for which his milk production is delivered during the month.

§ 924.13 Excess milk.

"Excess milk" means milk delivered by a producer each month in excess of his base milk.

§ 924.14 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers, duly organized as such under laws of any state which the Secretary determines:

(a) To be qualified under the standards set forth in the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making collective sale or marketing milk or its products for its members.

§ 924.15 Route.

"Route" means a delivery (including a delivery by a vendor or sale from a plant or plant store) of any fluid milk product (except bulk cream) classified as Class I to a wholesale or retail outlet other than a delivery to any milk plant.

§ 924.16 Pool plant.

A "pool plant" shall be any plant meeting the conditions of paragraph (a), (b) or (c) of this section, except a plant of a producer-handler or a plant of a handler exempt pursuant to §§ 924.91 or 924.92;

(a) Any plant, hereinafter referred to as a "distributing plant"; (1) in which milk is pasteurized or packaged for distribution in the marketing area, (2) from which fluid milk products are distributed on routes in the marketing area, and (3) from which the total quantity of fluid milk products distributed on all routes operated inside or outside the marketing area during the month equals the applicable percentage specified below of receipts of producer milk, and from supply plants of milk approved by the appropriate health authority for fluid use, exclusive of receipts certified by a cooperative association which operates no milk plant as having been diverted from other pool plants for manufacturing use in a volume which with other like certifications issued by such association does not exceed one-third of the milk delivered to all pool distributing plants by producers who are members of such association:

(i) 55 percent during any of the months of October through March; and

(ii) 45 percent during any of the months of April through September, except that no such requirement shall apply during such months with respect to any such plant which qualified as a distributing plant during each of the immediately preceding months of October through March; or

(b) Any plant, hereinafter referred to as a "supply plant", which is approved by the appropriate health authority in the marketing area for supplying milk for fluid use and from which during the month not less than 25 percent or the call percentage as defined in § 924.17,

whichever is higher, of its dairy farm supply of milk qualified for fluid distribution in the marketing area, including any receipts for which a cooperative association is the handler pursuant to § 924.6(c), less any milk disposed of from the plant as Class I other than by transfers to pool plants of other handlers, is moved to a distributing plant. Any supply plant which has met the required percentages during each of the months of October through January shall be a pool plant for each of the following months of February through September during which it ships the percentage provided for in any call which may be issued pursuant to § 924.17. All supply plants which are operated by one handler, or all of the supply plants from which a handler is responsible for the movement of milk to distributing plants under a marketing agreement certified to the market administrator by both parties, may be considered as a unit for the purpose of meeting the milk movement requirements of this paragraph (b) upon written notice to the market administrator specifying the plants to be considered as a unit and the period during which such consideration shall apply. Such notice, and notice of any change in designation, shall be furnished on or before the 5th day (exclusive of Sundays and holidays) following the month to which the notice applies. In any of the months of February through September a unit shall not contain plants which were not qualified as pool plants, either individually or as a member of a unit, during the previous October through January; or

(c) A plant which is operated by a cooperative association and during the month two-thirds or more of the milk of producers who are members of such association is delivered either directly or pursuant to § 924.6(c) to pool plants of other handlers.

§ 924.17 Call percentage.

(a) The "call percentage" is the percentage of net receipts at a supply plant (after subtracting any milk disposed of as Class I other than by transfers to other pool plants) which such plant is required to ship to a distributing plant(s) in order to qualify as a pool plant pursuant to § 924.16. A call percentage may be announced for any month except April, May, June or July and shall be issued on or before the first day of the month to which it applies. The call percentage shall be computed by the market administrator from his estimate of the Class I utilization of distributing pool plants during the month for which the call percentage is being computed, plus an operating margin of 15 percent. From such estimated gross Class I requirements of distributing plants, inclusive of the 15 percent operating reserve, shall be deducted the estimated receipts directly from producers during such month at such distributing plants and from those supply plants which regularly send their entire available supply to such distributing plants during the months of August through March. The remainder shall be divided by the estimated net available supply (after subtracting any milk estimated to be disposed of as Class I other than transfers to other pool plants) at supply plants other than those regularly shipping their entire supply as described above, and the result shall be multiplied by 75 to determine the call percentage. No call percentage of less than 25 shall be issued;

(b) The market administrator's announcement of a call percentage shall include the historical data on which his estimates of Class I utilization and the various sources of supply are based, together with appropriate explanatory comments on the computations involved; and

(c) At any time during a month when it appears that more milk is being delivered to distributing plants than is needed to fulfill their Class I requirements, the market administrator may reduce the call percentage applicable for such month.

MARKET ADMINISTRATOR

§ 924.20 Market administrator.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 924.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 924.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 924.84:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 924.85, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office, and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made:

(1) Reports pursuant to §§ 924.30 and 924.31; or

(2) Payments pursuant to §§ 924.80 through 924.85;

(g) Calculate a base for each producer in accordance with § 924.70 and advise the producer and the handler receiving the milk of such base;

(h) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(i) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this part;

(j) Prepare and disseminate to producers, handlers and the public, general information which does not reveal confidential information; and

(k) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum class prices for the preceding month computed pursuant to § 924.51 and § 924.52, and the handler butterfat differential computed pursuant to § 924.53; and

(2) On or before the 11th day of each month the uniform price, the adjusted uniform price, the price for base milk and the price for excess milk for the preceding month, computed pursuant to §§ 924.62, 924.63, 924.64 and 924.65, and the producer butterfat differential computed pursuant to § 924.68.

REPORTS, RECORDS, AND FACILITIES

§ 924.30 Monthly reports of receipts and utilization.

On or before the 5th day (exclusive of Sundays) of each month, each handler, other than a producer-handler or a handler exempt pursuant to §§ 924.91 or 924.92, shall report to the market administrator for the preceding month in the detail and on the forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Milk received from producers (or from qualified dairy farmers, in case of a nonpool plant) including the aggregate quantities of base milk, excess milk and milk to be paid for at the uniform or adjusted uniform price;

(2) Fluid milk products received from other pool plants;

(3) All other source milk; and

(4) Inventories of fluid milk products on hand at the beginning of the month; and

(b) The utilization of all skim milk and butterfat required to be reported

pursuant to paragraph (a) of this section; and

(c) Such other information as the market administrator may prescribe.

§ 924.31 Other reports.

(a) Each producer-handler and each handler described in §§ 924.91 and 924.92 shall make reports at such time and in such manner as the market administrator may request; and

(b) On or before the 20th day of each month each handler who received milk from producers shall report his producer payroll for the preceding month which shall show:

(1) The pounds of base milk and pounds of excess milk, or the pounds of milk to be paid for at the uniform or adjusted uniform price, received from each producer, and the percentage of butterfat contained therein;

(2) The amount and date of payment to each producer (or to a cooperative association); and

(3) The nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

§ 924.32 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, skim milk and other contents of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 924.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 924.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received at a pool plant which is required to be reported purusant to § 924.30 shall be classified pursuant to §§ 924.41 through 924.48.

§ 924.41 Classes of utilization.

Subject to the conditions set forth in §§ 924.43 and 924.44 the classes of utilization shall be:

(a) Class I utilization shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as provided in paragraph (b) (2) and (3) of this section; and

(2) Not accounted for as Class II utilization;

(b) Class II utilization shall be all the skim milk and butterfat: (1) used to produce any product other than a fluid milk product, (2) disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises, (3) disposed of as livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion within 18 hours) by the market administrator, (4) in cream frozen, (5) in inventory of fluid milk products on hand at the end of the month, (6) in shrinkage of producer milk up to two percent of receipts, and (7) in shrinkage of other source milk.

§ 924.42 Shrinkage.

(a) If producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk;

(b) Producer milk transferred from a pool plant to another pool plant without first having been received for the purpose of weighing and testing in the transferor handler's pool plant, and that for which a cooperative association is the handler pursuant to § 924.6(c), shall be included in the receipts at the plant of the transferee handler for the purpose of computing his shrinkage and shall be excluded from receipts of the transferor handler in computing his shrinkage; and

(c) Producer milk received at a supply plant and transferred in bulk from such plant to a distributing plant shall be subtracted from the producer milk receipts at the supply plant and added to the producer milk receipts at the distributing plant in computing shrinkage.

§ 924.43 Transfers.

Skim milk and butterfat transferred or diverted from a pool plant shall be classified:

(a) As Class I if transferred to a pool plant of another handler (except as provided in paragraph (d) of this section) as a fluid milk product unless Class II utilization is indicated by both handlers in their reports pursuant to § 924.30. In no event shall the amount so classified in Class II be greater than the amount of producer milk used in such class by the transferee handler after allocating other source milk and beginning inventory of fluid milk products in his plant pursuant to §§ 924.46 and 924.47;

(b) As Class I if transferred or diverted to a nonpool plant in the form of milk or skim milk in bulk if so reported by the handler, or unless the market administrator is permitted to audit the records of receipts and utilization at such nonpool plant, in which case the classification of all skim milk and butterfat at such nonpool plant shall be determined and the skim milk and butterfat so transferred from the pool plant shall be allocated to the lowest use during the months of April, May, or June and to the highest use during any other month. If all or a portion of the milk so transferred is retransferred to a second nonpool plant, the same conditions of audit, classification and allocation shall apply;

(c) As Class I if transferred to a nonpool plant in the form of cream in bulk unless the handler claims Class II utilization, and (1) such nonpool plant is located in Pennsylvania, New Jersey, New York or New England, or (2) the market administrator is permitted to audit the record of receipts and utilization at such nonpool plant and such nonpool plant had Class II utilization of not less than an equivalent amount of skim milk and butterfat;

(d) Producer milk transferred in bulk by a cooperative association to a pool plant and that delivered pursuant to § 924.6(c) shall be deducted from the producer milk to be classified as that for which the cooperative association is the handler, and shall be included in producer milk classified at the plant of the transferee handler; and

(e) As Class I if transferred in the form of a fluid milk product to a producer-handler.

§ 924.44 Responsibility of handlers and reclassification.

All skim milk and butterfat shall be classified as Class I utilization unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 924.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors the monthly report submitted by each handler, and compute the total pounds of skim milk and butterfat, respectively, in Class I and Class II utilization for such handler. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water normally associated with such solids in the form of whole milk.

§ 924.46 Allocation of butterfat classified.

The pounds of butterfat remaining after making the following computation shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class II utilization, the pounds of butterfat in shrinkage pursuant to § 924.41(b)(6);

(b) Subtract from the pounds of butterfat remaining in each class, in series

beginning with the lowest priced utilization, the pounds of butterfat in other source milk other than that to be subtracted pursuant to paragraph (c) of this section;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the Act;

(d) Subtract from the remaining pounds of butterfat in each class, in series beginning with the lowest priced utilization, the pounds of butterfat contained in inventory of fluid milk products on hand at the beginning of the month;

(e) Subtract from the pounds of butterfat remaining in each class, the pounds of butterfat received from pool plants of other handlers (except from a cooperative association as set forth in § 924.43(d)) in such classes pursuant to § 924.43(a);

(f) Add to the remaining pounds of butterfat in Class II utilization the pounds subtracted pursuant to paragraph (a) of this section; and

(g) If the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series beginning with the lowest priced utilization. Any amount so subtracted shall be known as "overage".

§ 924.47 Allocation of skim milk classified.

Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 924.46.

§ 924.48 Computation of total producer milk in each class.

The amounts computed pursuant to §§ 924.46 and 924.47 shall be combined into one total for each class and the weighted average butterfat content of producer milk in each class determined.

Minimum Prices

§ 924.50 Basic formula price.

The basic formula price per hundredweight of milk to be used in determining class prices for each month shall be the higher of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to paragraphs (a), (b) or (c) of this section:

(a) The average of the basic (or field) prices ascertained to have been paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator by the Department of Agriculture or by the companies indicated below:

Company and Location

Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the month as reported by the Department of Agriculture for the Chicago market, subtract three cents, add 20 percent of the resulting amount and then multiply by 3.5; and

(2) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, multiply by 8.2; or

(c) The average of the prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants, except any which meet the qualification of § 924.16, for which prices have been reported to the market administrator:

Present Operator and Location

Borden Co., Mt. Pleasant, Mich.
Carnation Co., Sheridan, Mich.
Carnation Co., Sparta, Mich.
Fairmont Foods Co., Bad Axe, Mich.
Kraft Foods, Clare, Mich.
Kraft Foods, Pinconning, Mich.
Nestle Co., Ubly, Mich.

§ 924.51 Class I milk price.

(a) Subject to the adjustments provided in paragraph (b) or (c) of this section and §§ 924.53 and 924.54, the minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for milk of 3.5 percent butterfat content received from producers or from cooperative associations, during the month, which is classified as Class I utilization, shall be the basic formula price plus $1.23 during the months of February through July and plus $1.63 in all other months;

(b) Subject to the conditions in paragraph (c) of this section a supply-demand adjustment shall be computed by the market administrator as follows:

(1) Calculate as a utilization percentage the percentage that total receipts of milk from producers by all handlers was of total Class I utilization at all pool plants in each of the following periods:

(i) The two-year period ending with the second preceding month;

(ii) The two-month period ending with the preceding month and the same period of each of the two preceding years;

(2) Average the utilization percentages of the three two-month periods and divide by the utilization percentage of the two-year period. Adjust the resulting "seasonal ratio" as follows for each month after the necessary data become available;

(i) Add to the "seasonal ratio" the 11 seasonal ratios similarly computed for the most recent preceding periods;

(ii) Divide 12 by the sum thus obtained; and

(iii) Multiply the "seasonal ratio" by the product thus obtained.

(3) Multiply the adjusted "seasonal ratio" by 136.7;

(4) Subtract from the utilization percentage for the two-month period ending with the preceding month the quantity computed pursuant to subparagraph (3) of this paragraph and round the result to the nearest full percentage, this result is the "deviation percentage"; and

(5) For each percentage point of plus deviation the Class I price will be decreased three cents and for each percentage point of minus deviation the Class I price will be increased three cents, but no such adjustment shall exceed 45 cents; and

(c) For the 26-month period following the effective date of this paragraph and the simultaneous amendment of § 924.5 to redefine and redesignate the marketing area, the following modifications of the procedure set forth in paragraph (b) of this section will apply:

(1) For the first six months, the supply-demand adjustment shall be zero;

(2) For the 7th month through the 10th month, inclusive, the rate specified in paragraph (b)(5) of this section shall be one cent;

(3) For the 11th month through the 14th month, inclusive, the rate specified in paragraph (b)(5) of this section shall be two cents;

(4) For the 7th month through the 14th month, inclusive, the percentages for the corresponding two-month period in the following schedule shall be substituted for the calculations pursuant to paragraph (b) (1), (2), and (3) of this section:

Pricing month	Two-month period	Percentage
January	November-December	130.2
February	December-January	132.0
March	January-February	130.8
April	February-March	131.7
May	March-April	135.7
June	April-May	141.9
July	May-June	151.7
August	June-July	150.2
September	July-August	140.1
October	August-September	136.4
November	September-October	132.6
December	October-November	128.9

(5) For the 15th month through the 26th month, inclusive, the utilization percentages calculated pursuant to paragraph (b)(1) of this section shall be for the one-year period ending with the second preceding month, for the two-month period ending with the preceding month, and for the same period of the preceding year. The average of these two-month period percentages will be divided by the percentage for the one-year period, multiplied by 136.7 and this result averaged with the percentage specified in subparagraph (4) of this

paragraph. This result will be subtracted from the utilization percentage for the two-month period ending with the preceding month in computing the deviation percentage.

§ 924.52 Class II milk price.

The minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month which is classified as Class II utilization shall be as follows:

(a) In the months of February through September the higher of:

(1) The price described in § 924.50 (c); or

(2) The price per hundredweight described in § 924.50(b), less 18.3 cents; and

(b) In the months of October, November, December and January, add 20 cents per hundredweight to the price determined pursuant to paragraph (a) of this section.

§ 924.53 Handler butterfat differential.

There shall be added to or subtracted from, the prices of milk for each class as computed pursuant to §§ 924.51 and 924.52, for each one-tenth of one percent that the average butterfat test of the milk in each class above or below 3.5 percent, as the case may be, an amount equal to the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U.S.D.A. during the month multiplied by 0.113 and the result rounded to the nearest one-tenth of a cent.

§ 924.54 Location adjustments to handlers.

(a) *Zone rates.* For plants located in the following described territory in Michigan the applicable zone rates shall be as follows:

Zone I—No Adjustment

Genesee County; Oakland County; Macomb County; St. Clair County; Wayne County; Monroe County; in Washtenaw County the townships of Webster, Northfield, Salem, Scio, Ann Arbor, Superior, Lodi, Pittsfield, Ypsilanti, Saline, York and Augusta; Saginaw County, except the townships of Jonesfield, Richland, Lakefield, Fremont, Marion, Brant, Chapin, Brady, Chesaning, and Maple Grove; and Bay County, except the townships of Gibson, Mt. Forest, Pinconning, Garfield and Fraser.

Zone II—Adjustment Rate 7 Cents

Livingston County; Jackson County; Lenawee County; Ingham County; Lapeer County, except the townships of Rich, Burlington, Marathon, Deerfield, North Branch and Burnside; Hillsdale County, except the townships of Litchfield, Allen, Reading and Camden; and in Washtenaw County all the territory not included in Zone I.

Zone III—Adjustment Rate 10 Cents

Midland County; Shiawassee County; Tuscola County; Clinton County, except the townships of Lebanon, Dallas, Westphalia and Eagle; in Arenac County the townships of Lincoln and Standish; in Bay and Saginaw Counties all townships excluded from Zone I; in Lapeer County all townships excluded from Zone II; in Sanilac County the townships of Flynn, Elk, Buel, Lexington, Maple Valley, Speaker, Fremont and Worth; and in Huron County the townships of McKinley, Winsor, Sebewaing, Brookfield, Caseville and Fairhaven.

Zone IV—Adjustment Rate 12 Cents

Branch County; Calhoun County; Eaton County; Gratiot County; Isabella County; in Hillsdale County all territory excluded from Zone II; in Clinton County all territory excluded from Zone III; in Ionia County the townships of Ronald, North Plains, Ionia, Lyons, Orange, Portland, Sebewa and Danby; in Montcalm County the townships of Home, Richland, Day, Ferris, Evergreen, Crystal, Bushnell and Bloomer; and in Clare County the townships of Freeman, Lincoln, Hatton, Arthur, Garfield, Surrey, Grant and Sheridan.

Zone V—Adjustment Rate 15 Cents

St. Joseph County; Kalamazoo County; Barry County; Kent County; Mecosta County; in Ionia and Montcalm Counties all territory not included in Zone IV; in Allegan County the townships of Salem, Dorr, Leighton, Monterey, Hopkins, Wayland, Allegan, Watson, Martin, Trowbridge, Otsego and Gun Plain; in Ottawa County the townships of Wright, Tallmadge, Georgetown and Jamestown; and in Osceola County the townships of Lincoln, Cedar, Osceola, Sylvan, Richmond, Hersey, Evart and Orient.

Zone VI—Adjustment Rate 20 Cents

Berrien County; Cass County; Van Buren County; Muskegon County; Newaygo County; and in Allegan and Ottawa Counties, all territory not included in Zone V.

(b) *Mileage rates.* The mileage rate applicable to plants located outside of Zones I–VI, inclusive, as described in § 924.54(a), shall be based on the shortest highway distance to the plant from the City Hall in Detroit, Michigan, as determined by the market administrator, and shall be 15 cents for distances of more than 50 miles, but not more than 70 miles, plus one-cent for each 20 miles or fraction thereof over 70 miles.

(c) *Direct disposition adjustment.* With respect to milk received from producers at a pool plant and classified as Class I utilization without movement to another pool plant the Class I price to the handler receiving such milk shall be reduced by the applicable zone rate for plants located in the zones described in § 924.54(a) and by the applicable mileage rate for plants located elsewhere.

(d) *Transfer adjustments.* With respect to fluid milk products moved in bulk from a pool plant to a pool plant described in § 924.16(a) the operator of the transferee plant shall receive credit at the applicable zone or mileage rate, based on the location(s) of the transferor plant(s), the total volume on which such credit is computed to be not more than the amount by which 108 percent of Class I utilization at the transferee plant exceeds receipts of milk at such plant from producers and from cooperative associations pursuant to § 924.6(c), and to be assigned to transferor plants pro rata to receipts of fluid milk products from such plants.

§ 924.55 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for any other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

DETERMINATION OF PRICE TO PRODUCERS

§ 924.60 Net obligation to handlers operating pool plants.

The net obligation for milk received by each handler who operates a pool plant shall be computed as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 924.48 by the applicable class prices;

(b) Add an amount determined by multiplying the pounds of overage computed pursuant to § 924.46(g) and the corresponding step of § 924.47 by the applicable class prices;

(c) Add any amount obtained through multiplying by the difference between the Class II price for the preceding months and the Class I price for the current month the lesser of:

(1) The hundredweight of milk subtracted from Class I pursuant to § 924.46(d) and the corresponding step of § 924.47; or

(2) The hundredweight of producer milk classified as Class II (except as shrinkage) for the preceding month; and

(d) Add an amount equal to the difference between the values (subject to butterfat and location differentials) at the Class I price and the Class II price with respect to:

(1) Other source milk subtracted from Class I pursuant to § 924.46(b) and the corresponding step of § 924.47; and

(2) Milk in inventory subtracted from Class I pursuant to § 924.46(d) and the corresponding step of § 924.47 which is in excess of the sum of:

(i) The quantity of milk for which a payment was computed pursuant to paragraph (c) of this section; and

(ii) The quantity of milk subtracted from Class II in the preceding month pursuant to § 924.46(c) and the corresponding step of § 924.47.

§ 924.61 Computation of the 3.5 percent value of all producer milk.

For each month, the market administrator shall compute the 3.5 percent value of all producer milk by:

(a) Combining into one total the individual values of milk of all handlers computed pursuant to § 924.60;

(b) Adding, if the weighted average butterfat test of all producer milk represented in paragraph (a) of this section is less than 3.5 percent, or subtracting if the weighted average butterfat test of such milk is more than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 3.5 percent by the butterfat differential provided in § 924.68 multiplied by 10;

(c) Adding the aggregate of the values of the applicable producer location adjustments pursuant to § 924.67; and

(d) Adding not less than one-half of the unobligated balance in the producer-equalization fund.

§ 924.62 Uniform price.

For each month, the uniform price shall be computed by:

(a) Dividing the amount computed pursuant to § 924.61 by the hundred-

weight of milk received from producers represented by the values included in § 924.61; and

(b) Subtracting not less than six cents or more than seven cents.

§ 924.63 Adjusted uniform price.

For the purpose of payments pursuant to § 924.70(c) the uniform price computed pursuant to § 924.62 shall be adjusted by deducting therefrom the applicable percentage specified below of the differences between the uniform price and the excess milk price, rounded to the nearest cent:

Month	Percent
January, February and March	30
April, May and June	50
July	15
All others	5

§ 924.64 Excess milk price.

For each month, the excess price shall be the price of Class II utilization, determined pursuant to § 924.52, rounded to the nearest cent.

§ 924.65 Computation of uniform price for base milk.

(a) Multiply the total pounds of excess milk for the month by the excess milk price;

(b) Multiply the total amount of milk to be paid for at the uniform price pursuant to § 924.70 (d) and (f) by the uniform price for the month;

(c) Multiply the total amount of milk to be paid for at the adjusted uniform price pursuant to § 924.70(c) by the adjusted uniform price for the month;

(d) Subtract the total values arrived at in paragraphs (a), (b) and (c) of this section from the total 3.5 percent value of all producer milk arrived at in § 924.61;

(e) Divide the resultant value by the total hundredweight of base milk and milk to be paid for at the base price pursuant to § 924.70 (b) and (e); and

(f) Subtract not less than six cents nor more than seven cents. The resultant hundredweight price shall be the uniform price of base milk of 3.5 percent butterfat content received at pool plants.

§ 924.66 Handler operating a plant which is not a pool plant.

Each handler, other than a producer-handler or one exempt pursuant to §§ 924.91 and 924.92, who during the month operates a nonpool plant from which fluid milk products are disposed of on a route in the marketing area, shall in lieu of the payment required pursuant to § 924.80 through § 924.83, pay to the market administrator as follows:

(a) If such handler so elects at the time of reporting pursuant to § 924.30 his obligation shall be as follows:

(1) On or before the 13th day after the end of the month, for the producer-equalization fund, an amount equal to the difference between the value of Class I milk disposed of during the month on routes in the marketing area at the applicable Class I price for the month and the value of such milk at the Class II price; and

(2) On or before the 13th day after the end of the month, as his pro rata share of the expense of administration, the rate specified in § 924.84 with respect to the fluid milk products disposed of on routes in the marketing area;

(b) Unless such handler elects to have his obligations computed pursuant to paragraph (a) of this section, his obligation shall be as follows:

(1) On or before the 25th day after the end of the month, for the producer-equalization fund, the lesser of the amount computed pursuant to paragraph (a) (1) of this section, or any plus amount resulting from the following computation:

(i) Compute an amount equal to the value of milk which would be computed pursuant to § 924.60 for milk received from dairy farmers at such plant for such month if such plant had been a pool plant;

(ii) Deduct the gross payments made by the handler to qualified dairy farmers for milk received at such plant for such month. Gross payments to be included in this computation shall be limited to cash payments made to the dairy farmer or his assignee on or before the date of the report required pursuant to § 924.31, plus the value of any supplies or services furnished by the handler on prior written authorization or as evidenced by a delivery ticket signed by the dairy farmer; and

(2) On or before the 25th day after the end of the month, as his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 924.84 had such plant been a pool plant.

§ 924.67 Location adjustment to producers.

In making payments to producers or cooperative associations pursuant to § 924.80 a handler may deduct with respect to base milk and milk to be paid for at the uniform price or adjusted uniform price the zone rate per hundredweight applicable pursuant to § 924.54(a) for the location of the plant at which the milk was received, or if such plant is not located in a defined zone, the mileage rate applicable pursuant to § 924.54(b).

§ 924.68 Producer butterfat differential.

In making payments pursuant to § 924.80, the base price and excess price or the uniform prices shall be increased or decreased for each one-tenth of one percent of butterfat content that the milk received from each producer or a cooperative association is above or below 3.5 percent, as the case may be, by an amount equal to the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U.S.D.A. during the month multiplied by 0.113 and the result rounded to the nearest one-half cent.

§ 924.69 Notification.

On or before the 12th day after the end of each month the market administrator shall notify each handler of:

(a) The amounts and values of his milk in each class and the total of such amounts and values;

(b) The base of any producer delivering milk to the handler which was not used in making payments for the previous month;

(c) The amount due such handler from the producer-equalization fund or the amount to be paid by such handler to the producer-equalization fund, as the case may be; and

(d) The totals of the minimum amounts to be paid by such handler pursuant to §§ 924.80, 924.82, 924.84, 924.85 and 924.86.

Base Rules

§ 924.70 Determination of base.

(a) A producer who delivered milk on at least 122 days during the period August 1 through December 31, inclusive, of any year shall have a base computed by the market administrator to be applicable, subject to § 924.72, for the 12 months period beginning the following February 1, equal to his daily average milk deliveries from the date on which milk was first delivered in the period to the end of such August 1–December 31 period: *Provided,* That a producer who had a base on December 1 and whose average of daily deliveries for the August 1–December 31 period is less than such base shall have a base computed by subtracting from his previous base any amount by which 90 percent of his previous base exceeds such average of daily deliveries;

(b) A producer with an established base who does not forfeit his base pursuant to § 924.71(c) but who fails to deliver milk on at least 122 days of the August 1 through December 31 period shall have his base for the 12 months beginning the following February 1 computed by dividing the total pounds shipped during the period by 122;

(c) Except as provided in paragraphs (d), (e), (f) and (g) of this section a producer who has no base shall be paid until February 1 following the August-December period within which he establishes a base pursuant to paragraph (a) of this section at the adjusted uniform price computed pursuant to § 924.63;

(d) Whenever total receipts of producer milk by all handlers during the month are less than 112.5 percent of the total Class I utilization of all milk by handlers during such month, all producers and cooperative associations shall be paid the uniform price for all milk delivered;

(e) When a plant first becomes a pool plant pursuant to § 924.16(a) bases for producers delivering to such plant may be established on the basis of deliveries of milk to such plant for the preceding August-December period certified by submission of delivery receipts or other evidence satisfactory to the market administrator; and

(f) Notwithstanding the provisions of paragraph (e) of this section producers without an established base who are delivering milk to plants during the month that such plants first become pool plants as a result of redefinition of the marketing area effective at the same date as this paragraph shall be paid until February 1, 1961, at the uniform price computed pursuant to § 924.62; and

(g) Through January 1961 a producer who has no base (or who relinquishes his base pursuant to § 924.72) shall be paid

during the first three full months he is a producer the uniform price in each of the months of August through December and in other months, the price applicable to base milk for the following percentages of his milk deliveries and the price applicable to excess milk for the remainder of his deliveries: 75 percent for January and February; 70 percent for March; 60 percent for April and July; and 40 percent for May and June. At the conclusion of the first three full months delivery, a base shall be established for payments to such producer through January 1961, in the following manner: Multiply the total deliveries in the months of August and September by 0.8 and October, November and December by 0.9, in January and February by 0.75, in March by 0.7, in April and July by 0.6, and in May and June by 0.4. Add the amounts so computed and divide by the number of days in which milk was delivered during the three months. No base applicable to the 12 months beginning February 1, 1961, shall be established on deliveries of less than 122 days. A producer with an established base who relinquishes such base after September 1960 shall have a base established equal to his daily average deliveries in the September 1–December 31, 1960, period.

§ 924.71 Application of bases.

(a) A base shall apply to deliveries of milk by the producer for whose account milk was delivered during the base period, and upon death may be transferred to a member or members of the deceased producer's immediate family;

(b) Bases may be transferred under the following conditions upon written notice by the holder of the base to the market administrator on or before the last day of the month that such base is to be transferred;

(1) Upon retirement or entry into military service of a producer the entire base may be transferred to a member or members of his immediate family;

(2) Bases may be held jointly and if such joint holding is terminated the base may be divided among the joint holders as specified in writing to the market administrator; and

(3) Two or more producers with bases may combine those bases upon the formation of a bona fide partnership; and

(c) A producer who does not deliver milk to any handler for 45 consecutive days shall forfeit his base except that the following producers may retain their bases without loss for 12 months:

(1) A producer who suffers the complete loss of his barn as a result of fire or windstorm; or

(2) A producer for whom loss of 50 percent or more of the milk herd from brucellosis or bovine tuberculosis, is shown by evidence issued under state or Federal authority.

§ 924.72 Relinquishing a base.

A producer with a base, by notifying the market administrator that he relinquishes such base, may be paid pursuant to the provisions of § 924.70(c) applicable to a producer without a base beginning with the first day of the month in which such notification is received by the market administrator.

PAYMENT FOR MILK

§ 924.80 Time and method of payment.

(a) Except as provided by paragraph (b) of this section, on or before the 15th day of each month, each handler (except a cooperative association) shall pay each producer for milk received from him during the preceding month, not less than an amount of money computed by multiplying the total pounds of such milk by the applicable uniform price(s) computed pursuant to §§ 924.62, 924.63, 924.64 or 924.65 adjusted by the location and butterfat differentials pursuant to §§ 924.67 and 924.68, less any proper deduction authorized by the producer: *Provided,* That if by such date such handler has not received full payment for such month pursuant to § 924.83 he may reduce such payments uniformly per hundredweight for all producers, by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator;

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall pay to the cooperative association on or before the 13th day of each month, in lieu of payments pursuant to paragraph (a) of this section an amount equal to the gross sum due for all milk received from certified members, less amounts owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer and each handler shall submit to the cooperative association written information on or before the 6th working day of each month which shows for each such member-producer (i) the total pounds of milk received from him during the preceding month, (ii) the total pounds of butterfat contained in such milk, (iii) the number of days on which milk was received, and (iv) the amounts withheld by the handler in payment for supplies sold. The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association;

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler shall be made by written notice to the market administrator, and shall be subject to his determination;

(c) On or before the 13th day after the end of each month, each handler shall pay a cooperative association which is a handler, with respect to milk received by him from a pool plant operated by such cooperative association, or in bulk tank delivery pursuant to § 924.6(c), not less than an amount computed by multiplying the price, for base milk subject to the location adjustment applicable at the transferee plant as provided by § 924.54 and the butterfat differential provided by § 924.53, by the total hundredweight of milk received by such handler from the cooperative association.

§ 924.81 Producer-equalization fund.

The market administrator shall establish and maintain a separate fund, known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to § 924.82 and out of which he shall make all payments pursuant to § 924.83.

§ 924.82 Payments to the producer-equalization fund.

(a) On or before the 13th day after the end of each month, each handler whose value of milk is required to be computed pursuant to § 924.60 shall pay to the market administrator any amount by which such value for such month (in the case of a cooperative association which is a handler, plus the minimum amount due from other handlers pursuant to § 924.80(c)) is greater than the minimum amount required to be paid by him pursuant to § 924.80; and

(b) On or before the date applicable thereto each handler who is required to make payment pursuant to § 924.66 (a) (1) or (b) (1) shall pay such amount to the market administrator.

§ 924.83 Payment out of the producer-equalization fund.

On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the value of milk for such handler for the month pursuant to § 924.60 (in the case of a cooperative association which is a handler, plus the minimum amount due from other handlers pursuant to § 924.80(c)) is less than the total minimum amount required to be paid by him pursuant to § 924.80, less any unpaid obligations of such handler to the market administrator: *Provided,* That if the balance in the producer-equalization fund is insufficient to make all payments to all handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 924.84 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market admin-

istrator on or before the 13th day after the end of each month two cents per hundredweight, or such amount not exceeding two cents per hundredweight as the Secretary may prescribe, with respect to (a) all receipts within the month of milk from producers, including milk of such handler's own production, (b) all other source milk on which payments are computed pursuant to § 924.60 (d), and (c) the applicable amount specified in § 924.66 (a)(2) or (b)(2).

§ 924.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 924.80 (a) for milk received from each producer (including milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct five cents per hundredweight, or such amount not exceeding five cents per hundredweight as the Secretary may prescribe, and, on or before the 13th day after the end of each month, shall pay such deductions to the market administrator. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him;

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, for which payment is not made pursuant to § 924.80 (b) or (c), and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 924.80 as may be authorized by such producers, and pay such deductions on or before the 13th day after the end of the month to the cooperative association rendering such services of which such producers are members.

§ 924.86 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in moneys due:

(a) To the market administrator from such handler;

(b) To such handler from the market administrator; or

(c) To any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provisions under which such error occurred, following the 5th day after such notice.

§ 924.87 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 924.82, 924.83, 924.84, 924.85 and 924.86 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 924.88 Termination of obligations.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books or records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilfull concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an under payment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 924.90 Milk caused to be delivered by cooperative associations.

Milk referred to in this part as received from producers by a handler shall include milk of producers caused to be delivered to such handler by a cooperative association.

§ 924.91 Handler exemption.

A handler who operates a plant, other than a plant described in § 924.16 (b) or (c), located outside the marketing area from which fluid milk products are disposed of on a route(s) within the marketing area but from which the disposition of fluid milk products on all routes operating wholly or partly within the marketing area averages less than 600 pounds per day for the month, and from which no milk is transferred to other handlers, shall be exempted for such month from all provisions of this part except §§ 924.31, 924.32, and 924.33.

§ 924.92 Handlers subject to other Federal orders.

A handler who operates a plant at which during the month milk is fully subject to the classification, pricing and payment provisions of another marketing agreement or order issued pursuant to the act and the disposition of fluid milk products in the other Federal marketing area exceeds that in the Southern Michigan marketing area shall be exempt for such month from all provisions of this part except §§ 924.31, 924.32, and 924.33.

§ 924.93 Producer-handler exemption.

A producer-handler shall be exempt from all provisions of this part except §§ 924.31, 924.32, and 924.33.

§ 924.94 Special reporting dates.

When a holiday prevents normal business activities on any day except Sunday during the first 15 days of the month, those of the dates specified in §§ 924.22 (j)(2), 924.30, 924.31(b), 924.66, 924.80, 924.82, 924.83, 924.84, and 924.85 which follow such holiday shall be postponed by the number of days lost as a result of such holiday.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 924.100 Effective time.

The provisions of this part, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 924.101 Suspension or termination.

The Secretary shall, whenever he finds that this part, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the Act, terminate or suspend the operation of this part of any such provision thereof.

§ 924.102 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (in-

cluding the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 924.103 Liquidation.

Under the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers, in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 924.110 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 924.111 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid the application of such provisions, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F.R. Doc. 59-10683; Filed, Dec. 16, 1959; 8:48 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 59-48]

EQUIPMENT, INSTALLATIONS, OR MATERIALS; CHANGES IN NAMES OF PRODUCTS AND CHANGES IN NAMES AND ADDRESSES OF MANUFACTURERS

Approval and Termination of Approval and Amendment of Prior Document

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals are set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials specifications have been also prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order Nos. 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-20, dated June 18, 1956 (21 F.R. 4894), and CGFR 56-28 dated July 24, 1956 (21 F.R. 5659), and R.S. 4405, as amended, 4462, as amended, 4491, as amended, sections 1, 2, 49 Stat. 1544, as amended, section 17, 54 Stat. 166, as amended, and section 3, 54 Stat. 346, as amended, section 3, 70 Stat. 152 (46 U.S.C. 405, 416, 489, 367, 526p, 1333, 390b), and section 3(c) of the Act of August 9, 1954 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I:

It is ordered, That:

a. All the approvals listed in Part I of this document which extend approvals previously published in the FEDERAL REGISTER are prescribed and shall be in effect for a period of 5 years from their respective dates as indicated at the end of each approval, unless sooner canceled or suspended by proper authority; and

b. All the other approvals listed in Part I of this document (which are not covered by paragraph a above) are prescribed and shall be in effect for a period of 5 years from the date of publication of this document in the FEDERAL REGISTER, unless sooner canceled or suspended by proper authority; and

c. All the approvals listed in Part II of this document are terminated because (1) the manufacturer is no longer in business; or (2) the manufacturer does not desire to retain the approval; or (3) the item is no longer being manufactured; or (4) the item of equipment no longer complies with present Coast Guard requirements; or (5) the approval has expired. Except for those approvals which have expired, all other terminations of approvals made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval of any item of equipment as listed in Part II of this document, such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

d. The change in name of product and the change in name of manufacturer shall be made as indicated in Part III of the document.

e. The change in name of product shall be made as indicated in Part IV of this document.

f. The change in names and addresses of manufacturers shall be made as indicated in Part V of this document.

g. The corrections to the Coast Guard document CGFR 59-34 regarding equipment, installations or materials and change in address of manufacturer approved August 27, 1959, and published in the FEDERAL REGISTER of September 3, 1959 (24 F.R. 7139-7142) shall be made as indicated in Part VI of this document.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS OR MATERIALS

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE) MODELS 3 AND 5

Approval No. 160.002/78/0, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Style-Crafters, Inc., P.O. Box 2177, Station A, Greenville, S.C.

Approval No. 160.002/79/0, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C.

Approval No. 160.002/88/0, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Noble Products Co., Box 327, Caldwell, Ohio.

Approval No. 160.002/89/0, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Noble Products Co., Box 327, Caldwell, Ohio.

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS AND SUPPLIED-AIR RESPIRATORS

Approval No. 160.011/27/0, Scott Air-Pak, Model 6000-A2MS, self-contained one-half hour compressed air breathing apparatus, at least one extra fully charged cylinder of breathing air to be included as part of the complete unit, Bureau of Mines Approval No. BM-1308, only for use with BM-1308 facepiece and BM-1308 pressure regulator and assembly, Scott assembly dwg. No. 6000A2MS, Rev. C. dated March 26, 1959, manufactured by Scott Aviation Corporation, Lancaster, N.Y.

Approval No. 160.011/28/0, M-S-A O_2 Mask with Cleartone Speaking Diaphragm, Part No. B-75500, self-contained one-half hour compressed oxygen breathing apparatus, at least one fully charged cylinder of oxygen to be included as part of the complete unit, Bureau of Mines Approval No. BM-1309, only for use with BM-1309 facepiece and BM-1309 pressure regulator and assembly, M.S.A. dwg. No. B-75500 Rev. 2 dated June 15, 1959, manufactured by Mine Safety Appliances Co., 201 North Braddock Ave., Pittsburgh 8, Pa.

Approval No. 160.011/29/0, M-S-A Air Mask with Cleartone Speaking Diaphragm, Part No. B-75196, self-contained one-half hour compressed air breathing apparatus, at least one extra fully charged cylinder of breathing air to be included as part of the complete unit, Bureau of Mines Approval No. 1310, only for use with BM-1310 facepiece and BM-1310 pressure regulator and assembly M.S.A. Dwg. No. B-75196, Rev. 2

dated June 15, 1959, manufactured by Mine Safety Appliances Co., 201 North Braddock Ave., Pittsburgh 8, Pa.

WINCHES, LIFEBOAT

Approval No. 160.015/80/0, Type B135–B lifeboat winch, approval is limited to mechanical components and for a maximum working load of 13,500 pounds pull at the drums (6,750 pounds per fall), identified by general arrangement dwg. No. 80238 dated January 29, 1959, revised May 8, 1959, manufactured by Welin Davit and Boat Division of Continental Copper and Steel Industries, Inc., Perth Amboy, N.J.

LADDERS, EMBARKATION-DEBARKATION (FLEXIBLE)

Approval No. 160.017/4/5, Model 241–A, Type II, embarkation-debarkation ladder, chain suspension, steel ears, dwg. No. 241–A, dated February 21, 1950, revised July 21, 1959, manufactured by Great Bend Manufacturing Corp., 248 Main St., Fort Lee, N.J. (Plant: Great Bend, Pa.) (Supersedes Approval No. 160.017/4/4 published in FEDERAL REGISTER September 3, 1959.)

LIFE RAFTS

Approval No. 160.018/17/0, Type "B" life raft, for other than ocean and coastwise service, 12.33' x 4.75' x 3.65', 25 person capacity, identified by General Arrangement Dwg. No. 60097, Rev. B. dated September 23, 1959, manufactured by Welin Davit and Boat Division of Continental Copper and Steel Industries, Inc., Perth Amboy, N.J.

DAVITS

Approval No. 160.032/33/2, Mechanical davit, straight boom sheath screw, Type R.D. 5–10, approved for a maximum working load of 5,800 pounds per set (2,900 pounds per arm) using not less than 2-part falls, identified by arrangement dwg. No. C.A. 395 dated January 10, 1944, manufactured by Lane Lifeboat and Davit Corporation, 8920 26th Ave., Brooklyn 14, N.Y. (Supersedes Approval No. 160.032/33/1 published in FEDERAL REGISTER December 8, 1954.)

Approval No. 160.032/150/1, Mechanical davit, straight boom sheath screw, Type B–47, approved for a maximum working load of 9,450 pounds per set (4,725 pounds per arm) using not less than 2-part falls, identified by general arrangement dwg. No. 80049, Rev. A dated May 31, 1956, manufactured by Welin Davit and Boat Division of Continental Copper and Steel Industries, Inc., Perth Amboy, N.J. (Supersedes Approval No. 160.032/150/0 published in FEDERAL REGISTER January 30, 1957.)

LIFEBOATS

Approval No. 160.035/27/3, 28.0' x 9.0' x 4.0' steel, oar-propelled lifeboat, 59-person capacity, identified by general arrangement dwg. No. G–2859, dated June 10, 1948 and revised August 13, 1959, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N.Y. (Supersedes Approval No. 160.035/27/2 published in FEDERAL REGISTER October 6, 1954.)

Approval No. 160.035/32/2, 18.0' x 6.25' x 2.75' aluminum, oar-propelled lifeboat, 18-person capacity, identified by construction and arrangement dwg. No. 3420, Rev. C dated August 10, 1959, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. (Reinstates and supersedes Approval No. 160.035/32/1 terminated in FEDERAL REGISTER September 27, 1958.)

Approval No. 160.035/34/2, 18.0' x 5.75' x 2.42' steel, oar-propelled lifeboat, 15-person capacity, identified by construction and arrangement dwg. No. 757–1, Rev. C dated August 10, 1959, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Perth Amboy, N.J. (Reinstates and supersedes Approval No. 160.035/34/1 terminated in FEDERAL REGISTER September 27, 1958.)

Approval No. 160.035/52/1, 26.0' x 9.0' x 3.67' steel, oar-propelled lifeboat, 50-person capacity, identified by construction and arrangement dwg. No. 1456–D, dated April 23, 1954, and revised June 15, 1954, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. (Extension of the approval published in FEDERAL REGISTER October 6, 1954, effective October 6, 1959.)

Approval No. 160.035/271/1, 22.0' x 6.75' x 2.92' steel, oar-propelled lifeboat, 25-person capacity, identified by construction and arrangement drawing No. 22–1B, revision B dated May 27, 1957, manufactured by Marine Safety Equipment Corp., Point Pleasant, N.J. (Reinstates and supersedes Approval No. 160.035/271/0 terminated in FEDERAL REGISTER May 29, 1957.)

Approval No. 160.035/282/1, 24.0' x 7'63' x 3.21' aluminum, oar-propelled lifeboat, 35-person capacity, identified by construction and arrangement dwg. No. 24–4C, Alteration A dated August 9, 1958, manufactured by Marine Safety Equipment Corp., Point Pleasant, N.J. (Reinstates and supersedes Approval No. 160.035/282/0 terminated in FEDERAL REGISTER March 14, 1959.)

Approval No. 160.035/294/1, 24.0' x 7.63' x 3.21' aluminum, motor-propelled lifeboat, without radio cabin (Class B), 33-person capacity, identified by construction and arrangement dwg. No. 24–4D, Alteration A dated November 8, 1957, manufactured by Marine Safety Equipment Corporation, Point Pleasant, N.J. (Reinstates and supersedes Approval No. 160.035/294/0 terminated in FEDERAL REGISTER, March 14, 1959.)

Approval No. 160.035/307/1, 16.0' x 5.5' x 2.38' aluminum, oar-propelled lifeboat, 12 person capacity, identified by construction and arrangement dwg. No. 3473 dated April 7, 1953 and revised September 18, 1959, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. (Reinstates and supersedes Approval No. 160.035/307/0 terminated in FEDERAL REGISTER, June 20, 1959.)

Approval No. 160.035/378/0, 16' x 5.5' x 2.33' fibrous glass reinforced plastic, oar-propelled lifeboat, 12-person capacity identified by general arrangement dwg. No. 16011, Rev. E, dated May 20, 1959, manufactured by Mariner Laminates, Inc., 501 Atlantic Avenue, Freeport, N.Y.

Approval No. 160.035/393/0, 28.0' x 9.0' x 4.0' aluminum, hand-propelled lifeboat, 60-person capacity, identified by construction and arrangement dwg. No. 80216, Rev. B dated September 16, 1959, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J.

Approval No. 160.035/397/0, 24.0' x 8.0' x 3.5' fibrous glass reinforced plastic, motor-propelled lifeboat (Class B) 37-person capacity, identified by general arrangement dwg. No. P–24–1B, Alteration C, dated August 12, 1959, manufactured by Marine Safety Equipment Corp., Point Pleasant, N.J.

Approval No. 160.035/400/0, 28' x 9' x 4' aluminum, motor-propelled lifeboat, with radio cabin (Class A) 50-person capacity, identified by construction and arrangement dwg. No. 80251, Rev. A dated September 10, 1959, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J.

JACKKNIFE (WITH CAN OPENER)

Approval No. 160.043/2/0, No. 850 jackknife (with can opener) dwgs. PR–110–15 and PR–110–24, dated June 22, 1954, manufactured by Imperial Knife Co., Inc., Imperial Place, Providence, R.I. (Extension of the approval published in FEDERAL REGISTER October 6, 1954, effective October 6, 1959.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/241/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard St., Little Rock, Ark.

Approval No. 160.047/242/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard St., Little Rock, Ark.

Approval No. 160.047/243/0, Model CKS, child kapok buoyant vest, U.S.C G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard St., Little Rock, Ark.

Approval No. 160.047/244/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 714 Izard St., Little Rock, Ark., for Allgood Products Co., 824 W. 8th St., Little Rock, Ark.

Approval No. 160.047/245/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard St., Little Rock, Ark., for Allgood Products Co., 824 W. 8th St., Little Rock, Ark.

Approval No. 160.047/246/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard St., Little Rock, Ark., for Allgood Products Co., 824 W. 8th St., Little Rock, Ark.

Approval No. 160.047/250/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufac-

tured by Siegmund Werner Co., 1319 S. Michigan Ave., Chicago 5, Ill.

Approval No. 160.047/251/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Siegmund Werner Co., 1319 S. Michigan Ave., Chicago 5, Ill.

Approval No. 160.047/252/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Siegmund Werner Co., 1319 S. Michigan Ave., Chicago 5, Ill.

Appoval No. 160.047/253/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by P. J. Gould Co., 440 N. Wells Street, Chicago, Ill.

Approval No. 160.047/254/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by P. J. Gould Co., 440 N. Wells St., Chicago, Ill.

Approval No. 160.047/255/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by P. J. Gould Co., 440 N. Wells St., Chicago, Ill.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1 or 2 not carrying passengers for hire.

Approval No. 160.048/137/1, Group approval for rectangular or trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c) (1) (i), manufactured by P. J. Gould Co., 440 N. Wells St., Chicago 10, Ill. (Supersedes Approval No. 160.048/137/0 published in FEDERAL REGISTER March 14, 1959.)

Approval No. 160.048/142/1, group approval for rectangular or trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c) (1) (i), manufactured by Henry Manufacturing Co., 1310 Marquette Ave., Minneapolis 3, Minn. (Supersedes Approval No. 160.048/142/0 published in FEDERAL REGISTER March 14, 1959.)

Approval No. 160.048/155/0, group approval for rectangular or trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c) (1) (i), manufactured by Bottom Dollar Industries, Inc., 715 Izard St., Little Rock, Ark.

Approval No. 160.048/156/0 group approval for rectangular or trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c) (1) (i), manufactured by Botton Dollar Industries, Inc., 715 Izard St., Little Rock, Ark., for Allgood Products Co., 824 W. 8th St., Little Rock, Ark.

Approval No. 160.048/160/0, special approval for 15" x 15" x 2" rectangular buoyant cushion with heat-sealed seams, 20 oz. kapok, The American Pad & Textile Co. dwgs. C–19 and A–102, dated November 19, 1958, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Sears, Roebuck and Co., 925 S. Homan Ave., Chicago 7, Ill.

Approval No. 160.048/161/0, special approval for 17" diameter x 2" thick, round kapok buoyant cushion, 20 oz. kapok, The American Pad & Textile Co. dwg. Nos. C–20 and A–103, dated June 15, 1959, manufactured by The American Pad & Textile Co., Greenfield, Ohio; 511 N. Solomon St., New Orleans 19, La.; and Highway 40 West, Fairfield, Calif.; for Sears, Roebuck and Co., 925 S. Homan Ave., Chicago 7, Ill.

Approval No. 160.048/162/0, special approval for 15" x 15" x 2" rectangular kapok buoyant cushion, 20 oz. kapok, U.S.C.G. Specification Subpart 160.048, manufactured by Siegmund Werner Co., 1319 S. Michigan Ave., Chicago 5, Ill.

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/1/1, 30–inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and dwg. No. 12874, Rev. 2, dated July 15, 1959, manufactured by B. F. Goodrich Sponge Products Division of the B. F. Goodrich Co., Shelton, Conn. (Supersedes Approval No. 160.050/1/0, published in FEDERAL REGISTER September 29, 1955.)

Approval No. 160.050/2/1, 24–inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and dwg. No. 12874, Rev. 2, dated July 15, 1959, manufactured by B. F. Goodrich Sponge Products Division of the B. F. Goodrich Co., Shelton, Conn. (Supersedes Approval No. 160.050/2/0 published in FEDERAL REGISTER September 29, 1955.)

Approval No. 160.050/3/1, 20–inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and dwg. No. 12874, Rev. 2, dated July 15, 1959, manufactured by B. F. Goodrich Sponge Products Division of the B. F. Goodrich Co., Shelton, Conn. (Supersedes Approval No. 160.050/3/0 published in FEDERAL REGISTER February 28, 1956.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1 or 2 not carrying passengers for hire.

Approval No. 160.052/50/0, Type II, Model JPB–2, adult unicellular plastic foam buoyant vest, assembly dwg. No. 59J633, dated July 23, 1959, manufactured by Gentex Corp., Carbondale, Pa.

Approval No. 160.052/84/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Sears, Roebuck and Co., 925 S. Homan Ave., Chicago 7, Ill.

Approval No. 160.052/85/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Sears, Roebuck and Co., 925 S. Homan Ave., Chicago 7, Ill.

Approval No. 160.052/86/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Sears, Roebuck and Co., 925 S. Homan Ave., Chicago 7, Ill.

LIGHTS, (WATER): ELECTRIC, FLOATING, AUTOMATIC (WITH BRACKET FOR MOUNTING)

Approval No. 161.001/2/0, light (water), electric, floating, automatic (with bracket for mounting), dwg. No. E–851, Alteration 2 (sheets 1 and 2), dated June 1, 1949, manufactured by Galbraith-Pilot Marine Corp., 600 4th Ave., Brooklyn 15, N.Y.

Approval No. 161.001/7/0, automatic floating electric water light (with bracket for mounting), dwg. No. S–1161–CG, Alteration D, manufactured by Soderberg Manufacturing Co., Inc., 628 South Palm Ave., Alhambra, Calif.

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/106/1, Series ME–310, carbon steel body pop safety valve, exposed spring, maximum pressure 515 p.s.i., maximum temperature 650° F. dwg. No. A1047S, dated July 29, 1948, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., 2d and Race Sts., Philadelphia 6, Pa. (Extension of the approval published in FEDERAL REGISTER October 6, 1954, effective October 6, 1959.)

Approval No. 162.001/107/1, Series VM–320, carbon steel body pop safety valve, exposed spring, maximum pressure 365 p.s.i., maximum temperature 800° F., dwg. No. A1047S, dated July 29, 1948, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., 2d and Race Sts., Philadelphia 6, Pa.

Approval No. 162.001/109/1, Series VM–410, carbon steel body pop safety valve, exposed spring, maximum pressure 1030 p.s.i., maximum temperature 650° F., dwg. No. A1048S, dated July 29, 1948, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., 2d and Race Sts., Philadelphia 6, Pa. (Extension of the approval published in FEDERAL REGISTER October 6, 1954, effective October 6, 1959.)

Approval No. 162.001/110/1, Series VM–420, carbon steel body pop safety valve, exposed spring, maximum pressure 730 p.s.i., maximum temperature 800° F., dwg. No. A1048S, dated July 29, 1948, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., 2d and Race Sts., Philadelphia 6, Pa. (Extension of the approval published in FEDERAL REGISTER October 6, 1954, effective October 6, 1959.)

Approval No. 162.001/112/1, Series VM–510, carbon steel body pop safety valve, exposed spring, maximum pressure 1030 p.s.i., maximum temperature 650° F., dwg. No. A1049S, dated July 29, 1948, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., 2d and Race Streets, Philadelphia 6, Pa. (Extension of the approval published in FEDERAL REGISTER October 6, 1954, effective October 6, 1959.)

Approval No. 162.001/113/1, Series VM–520, carbon steel body pop safety valve, exposed spring, maximum pressure 730 p.s.i., maximum temperature 800° F., dwg. No. A1049S, dated July 29, 1948, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., 2d and Race Sts., Philadelphia 6, Pa. (Extension of the approval pub-

lished in FEDERAL REGISTER October 6, 1954, effective October 6, 1959.)

Approval No. 162.001/131/1, Series VMX–310, carbon steel body duplex pop safety valve, exposed spring, maximum pressure 415 p.s.i., maximum temperature 650° F., dwg. No. F–145, dated December 10, 1946, approved for sizes 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., 2d and Race Sts., Philadelphia 6, Pa. (Extension of the approval published in FEDERAL REGISTER October 6, 1954, effective October 6, 1959.)

Approval No. 162.001/132/1, Series VMX–410, carbon steel body duplex pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 650° F., dwg. No. F–145, dated December 10, 1946, approved for sizes 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., 2d and Race Sts., Philadelphia 6, Pa. (Extension of the approval published in FEDERAL REGISTER October 6, 1954, effective October 6, 1959.)

Approval No. 162.001/133/1, Series VMX–510, carbon steel body duplex pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 650° F., dwg. No. F–145, dated December 10, 1946, approved for sizes 2" and 2½", manufactured by J. E. Lonergan Co., 2d and Race Sts., Philadelphia 6, Pa. (Extension of the approval published in FEDERAL REGISTER October 6, 1954, effective October 6, 1959.)

Approval No. 162.001/220/0, Type 1910Fc, consolidated safety valve, steel body, 300 p.s.i., dwg. No. 1905F–1928F, Rev. July 1, 1957, approved for 1½", manufactured by Manning, Maxwell & Moore, Inc., 2415 E. 13th Place, Tulsa 4, Okla.

BOILERS, HEATING

Approval No. 162.003/158/0, C–2800–L steel plate steam heating boiler, dwg. No. F–7716A, Alteration A, dated May 17, 1954, and dwg. No. G–7626, dated April 29, 1954, maximum design pressure 30 p.s.i., approval limited to bare boiler, manufactured by Cyclotherm Division of National-U.S. Radiator Corp., Oswego, N.Y. (Extension of the approval published in FEDERAL REGISTER October 6, 1954, effective October 6, 1959.)

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON-DIOXIDE TYPE

Approval No. 162.005/37/1, Gapco Model SRH–15C, 15-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. SRH–15c, Rev. 2 dated May 8, 1959, name plate dwg. No. GA–99–08B, Rev. A dated July 27, 1959 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by General Air Products Corp., 5345 North Kedzie Ave., Chicago 25, Ill. (Supersedes Approval No. 162.005/37/0 published in FEDERAL REGISTER January 22, 1958.)

Approval No. 162.005/38/1, Gapco Model SRH–10C, 10-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. SRH–10, Rev. 2 dated May 8, 1959, name plate dwg. No. GA–99–08B, Rev. A dated July 27, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by General Air Products Corp., 5345 North Kedzie Ave., Chicago 25, Ill. (Supersedes Approval No. 162.005/38/0 published in FEDERAL REGISTER January 22, 1958.)

Approval No. 162.005/39/1, Gapco Model SRQ–5C, 5-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. SRQ–5, Rev. B dated May 8, 1959, name plate dwg. No. GA–99–07B, Rev. A dated July 27, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by General Air Products Corp., 5345 North Kedzie Ave., Chicago 25, Ill. (Supersedes Approval No. 162.005/39/0 published in FEDERAL REGISTER January 22, 1958.)

Approval No. 162.005/98/2, Fire Guard Model FF–5 (Symbol GEN), 5-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 5AKR–2632, Rev. A dated April 10, 1959, name plate dwg. No. 5AKR–2220, Rev. E dated October 8, 1958 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fire Guard Corp., 1685 Shermer Road, Northbrook, Ill. (Supersedes Approval No. 162.005/98/1 published in FEDERAL REGISTER March 14, 1959.)

Approval No. 162.005/99/2, Fire Guard Model FF–10 (Symbol GEN), 10-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 10AKR–2635, Rev. A dated April 11, 1959, name plate dwg. No. 10AKR–2221, Rev. F dated October 8, 1958 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fire Guard Corp., 1685 Shermer Road, Northbrook, Ill. (Supersedes Approval No. 162.005/99/1 published in FEDERAL REGISTER March 14, 1959.)

Approval No. 162.005/100/2, Fire Guard Model FF–15 (Symbol GEN), 15-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 15AKR–2638, Rev. A dated April 11, 1959, name plate dwg. No. 15AKR–2222, Rev. F dated October 13, 1958 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by The Fire Guard Corp., 1685 Shermer Road, Northbrook, Ill. (Supersedes Approval No. 162.005/100/1 published in FEDERAL REGISTER March 14, 1959.)

Approval No. 162.005/101/2, General Quick Aid Model 5R (Symbol GE, GEC, GEN, or GEP), 5-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 5AKR–2328, Rev. B dated April 10, 1959, name plate dwg. No. 5AKR–3456, Rev. C dated October 8, 1958 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The General Fire Extinguisher Corp., 8740 Washington Blvd., Culver City, Calif., and 6801 Rising Sun Ave., Philadelphia 11, Pa. (Supersedes Approval No. 162.005/101/1 published in FEDERAL REGISTER March 14, 1959.)

Approval No. 162.005/102/2, General Quick Aid Model 10R (Symbol GE, GEC, GEN, or GEP), 10-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 10AKR–2280, Rev. C dated April 11, 1959, name plate dwg. No. 10AKR–3462, Rev. B dated October 8, 1958 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The General Fire Extinguisher Corp., 8740 Washington Blvd., Culver City, Calif., and 6801 Rising Sun Ave., Philadelphia 11, Pa. (Supersedes Approval No. 162.005/102/1 published in FEDERAL REGISTER March 14, 1959.)

Approval No. 162.005/103/2, General Quick Aid Model 15R (Symbol GE, GEC, GEN, or GEP), 15-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 15KR–1688, Rev. F dated April 11, 1959, name plate dwg. No. 15AKR–3466, Rev. B dated October 8, 1958 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by The General Fire Extinguisher Corp., 8740 Washington Blvd., Culver City, Calif., and 6801 Rising Sun Ave., Philadelphia 11, Pa. (Supersedes Approval No. 162.005/103/1 published in FEDERAL REGISTER March 14, 1959.)

Approval No. 162.005/131/0, Power-Pak Model No. T–50 (Symbol GEN), 5-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 5AKR–12016, Rev. A dated August 14, 1959, name plate dwg. No. 5AKR–12009 dated May 8, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fire Guard Corp., 1685 Shermer Road, Northbrook, Ill., for Power-Pak Products, Inc., 43 Pearl St., Buffalo 2, N.Y.

FIRE EXTINGUISHERS, PORTABLE, HAND, WATER, CARTRIDGE-OPERATED OR STORED PRESSURE TYPE

Approval No. 162.009/6/2, Fyr-Fyter Instant Model 78–5A, 2½-gal. loaded stream cartridge operated type hand portable fire extinguisher, assembly dwg. No. 7356 dated March 31, 1959, name plate dwg. No. 5565, Rev. K dated May 13, 1959 (Coast Guard classification: Type A, Size II), manufactured by The Fyr-Fyter Co., 221 Crane St., Dayton 1, Ohio. (Supersedes Approval No. 162.009/6/1 published in FEDERAL REGISTER July 17, 1956.)

Approval No. 162.009/7/2, Fyr-Fyter Model 94–11A, 2½-gal. antifreeze cartridge operated type hand portable fire extinguisher, assembly dwg. No. 7355 dated March 30, 1959, name plate dwg. No. 7412 dated May 13, 1959 (Coast Guard classification: Type A, Size II), manufactured by The Fyr-Fyter Co., 221 Crane St., Dayton 1, Ohio. (Supersedes Approval No. 162.009/7/1 published in FEDERAL REGISTER July 17, 1956.)

Approval No. 162.009/22/0, American LaFrance Model PCW, 2½-gal. stored pressure water type hand portable fire extinguisher, assembly dwg. No. 5X–1241 dated April 18, 1958, name plate dwg. No. 5X–324, Rev. I dated August 24, 1959 (Coast Guard classification: Type A, Size II), manufactured by American LaFrance, Division of Sterling Precision Corp., Elmira, N.Y.

Approval No. 162.009/34/0, Fyr-Fyter Model 94–19A, 2½-gal. water cartridge operated type hand portable fire extinguisher, assembly dwg. No. 7355 dated March 30, 1959, name plate dwg. No. 7413 dated May 13, 1959 (Coast Guard classification: Type A, Size II), manufactured by The Fyr-Fyter Co., 221 Crane St., Dayton 1, Ohio.

Approval No. 162.009/35/0, Buffalo Better-Built Model 94–18A, 2½-gal. antifreeze cartridge operated type hand portable fire extinguisher, assembly dwg. No. 7355 dated March 30, 1959, name plate dwg. No. 7414 dated May 13, 1959 (Coast Guard classification: Type A, Size II), manufactured by The Fyr-Fyter Co., 221 Crane St., Dayton 1, Ohio.

Approval No. 162.009/36/0, Buffalo Better-Built Model 94–20A, 2½ gal. water cartridge operated type hand portable fire extinguisher, assembly dwg. No. 7355 dated March 30, 1959, name plate dwg. No. 7415 dated May 13, 1959 (Coast Guard classification: Type A, Size II), manufactured by The Fyr-Fyter Co., 221 Crane St., Dayton 1, Ohio.

Approval No. 162.009/37/0, Pyrene Model W13–1A, 2½-gal. antifreeze cartridge operated type hand portable fire extinguisher, assembly dwg. No. 7355 dated March 30, 1959, name plate dwg. No. 7416 dated May 13, 1959 (Coast Guard classification: Type A, Size II), manufactured by The Fyr-Fyter Co., 221 Crane St., Dayton 1, Ohio.

Approval No. 162.009/38/0, Pyrene Model H13–1A, 2½-gal. water cartridge operated type hand portable fire extinguisher, assembly dwg. No. 7355 dated March 30, 1959, name plate dwg. No. 7417 dated May 13, 1959 (Coast Guard classification: Type A, Size II), manufactured by The Fyr-Fyter Co., 221 Crane St., Dayton 1, Ohio.

FIRE EXTINGUISHERS, PORTABLE, HAND, DRY-CHEMICAL TYPE

Approval No. 162.010/21/1, General Quick Aid Model DC–10A (Symbol GE, GEC, GEN, or GEP), 10-lb. dry chemical pressure cartridge operated type hand portable fire extinguisher, assembly dwg. No. 5570, Rev. A dated March 19, 1958, name plate dwg. No. 5582, Rev. K dated October 10, 1958, (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by The General Fire Extinguisher Corp., 6801 Rising Sun Ave., Philadelphia 11, Pa., and 8740 Washington Blvd., Culver City, Calif. (Supersedes Approval No. 162.010/21/0 and 162.010/24/0 published in FEDERAL REGISTER September 29, 1955.)

Approval No. 162.010/22/1, General Quick Aid Model DC–20A (Symbol GE, GEC, GEN, or GEP), 20-lb. dry chemical pressure cartridge operated type hand portable fire extinguisher, assembly dwg. No. 5568, Rev. A dated March 19, 1958, name plate dwg. No. 5580, Rev. J dated February 2, 1959 (Coast Guard classification: Type B, Size III; and Type C, Size III), manufactured by The General Fire Extinguisher Corp., 6801 Rising Sun Ave., Philadelphia 11, Pa., and 8740 Washington Blvd., Culver City, Calif. (Supersedes Approval No. 162.010/22/0 and 162.010/25/0 published in FEDERAL REGISTER September 29, 1955.)

Approval No. 162.010/23/0, General Quick Aid Model DC–30A (Symbol GE, GEC, GEN, or GEP), 30-lb. dry chemical pressure cartridge operated type hand portable fire extinguisher, assembly dwg. No. 5569, Rev. A dated March 19, 1958, name plate dwg. No. 5581, Rev. H dated October 9, 1958 (Coast Guard classification: Type B, Size IV; and Type C, Size IV), manufactured by The General Fire Extinguisher Corp., 6801 Rising Sun Ave., Philadelphia 11, Pa., and 8740 Washington Blvd., Culver City, Calif.

Approval No. 162.010/30/1, Fyr-Fyter Model No. 29–1, 5-lb. dry chemical stored pressure type hand portable fire extinguisher, parts list No. 29–1, revised March 10, 1959, name plate dwg. No. 5516, Rev. L dated June 10, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.010/30/1 published in FEDERAL REGISTER July 17, 1956.)

Approval No. 162.010/31/1, Buffalo Model No. 29–2, 5-lb. dry chemical stored pressure type hand portable fire extinguisher, parts list No. 29–2, revised March 10, 1959, name plate dwg. No. 5517, Rev. K dated December 30, 1958 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.010/31/0 published in FEDERAL REGISTER July 17, 1956.)

Approval No. 162.010/42/1, C-O-Two Model PDC–5PB, 5-lb. dry chemical stored pressure type hand portable fire extinguisher, parts list No. PDC5PB, revised March 10, 1959, name plate dwg. No. 6683, Rev. H dated June 16, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.010/42/0 published in FEDERAL REGISTER August 3, 1957.)

Approval No. 162.010/105/0, Dayton Model No. 29–8, 5-lb. dry chemical stored pressure type hand portable fire extinguisher, parts list No. 29–8 dated March 12, 1959, name plate dwg. No. 7368, Rev. A dated April 6, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Approval No. 162.010/118/0, Allstate No. 6461 (Symbol LE), 2-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. G–921–302–2C.G., Rev. 2 dated May 6, 1959, name plate dwg. No. B–928–302–SR–2, Rev. 1 dated May 11, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Leeder Mfg. Co., Inc., 615 East First Ave., Roselle, N.J., for Sears, Roebuck and Co., Chicago 7, Ill.

Approval No. 162.010/119/0, Allstate No. 6463 (Symbol LE), 2¾-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. G–621–302–2, Rev. 4 dated May 6, 1959, name plate dwg. No. B–928–302–SR–3, Rev. 1 dated May 11, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Leeder Mfg. Co., Inc., 615 East First Ave., Roselle, N.J., for Sears, Roebuck and Co., Chicago 7, Ill.

Approval No. 162.010/127/0, Vulcan Model No. 2 (Symbol LE), 2-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. G–921–302–2 C.G., Rev. 2 dated May 6, 1959, name plate dwg. No. A–928–302–H–2, Rev. 1 dated May 8, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Leeder Manufacturing Co., 615 East First Ave., Roselle, N.J., for "L.P." Harless Co., Inc., 2627 South Seventh Ave., Birmingham 5, Ala.

Approval No. 162.010/128/0, Vulcan Model No. 2¾ (Symbol LE), 2¾-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. G–621–302–2, Rev. 4 dated May 6, 1959, name plate dwg. No. A–928–302–H–2, Rev. 1 dated May 8, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Leeder Manufacturing Co., Inc., 615 E. First Ave., Roselle, N.J., for "L.P." Harless Co., Inc., 2627 South Seventh Ave., Birmingham 5, Ala.

Approval No. 162.010/129/0, Elkhart Model 2DCL (Symbol LE), 2-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. G–921–302–2 C.G., Rev. 2, dated May 6, 1959, name plate dwg. No. B–928–302–E–2, Rev. 2 dated July 20, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Leeder Manufacturing Co., Inc., 615 E. First Ave., Roselle, N.J., for Elkhart Brass Mfg., Co., Inc., 1302 W. Beardsley Ave., Elkhart, Ind.

Approval No. 162.010/130/0, Elkhart Model 2¾ DCL (Symbol LE), 2¾-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. G–621–302–2, Rev. 4 dated May 6, 1959, name plate dwg. No. B–928–302–E–3, Rev. 2, dated July 20, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Leeder Manufacturing Co., Inc., 615 E. First Ave., Roselle, N.J., for Elkhart Brass Mfg., Co., Inc., 1302 West Beardsley Ave., Elkhart, Ind.

Approval No. 162.010/131/0, Elkhart Model 4DCL (Symbol LE), 4-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. G–621–302–2, Rev. 4 dated May 6, 1959, name plate dwg. No. B–928–302–E–4, Rev. 2 dated July 20, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Leeder Manufacturing Co., Inc., 615 E. First Ave., Roselle, N.J., for Elkhart Brass Mfg. Co., Inc., 1302 W. Beardsley Ave., Elkhart, Ind.

Approval No. 162.010/132/0, Fire Guard Model D–10A (Symbol GE, GEC, GEN, or GEP), 10-lb. dry chemical pressure cartridge operated type hand portable fire extinguisher, assembly dwg. No. 5570, Rev. A dated March 19, 1958, name plate dwg. No. 6000, Rev. H dated October 9, 1958 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by The Fire Guard Corp., 1685 Shermer Road, Northbrook, Ill.

Approval No. 162.010/133/0, Fire Guard Model D–20A (Symbol GE, GEC, GEN, or GEP), dry chemical pressure cartridge operated type hand portable fire extinguisher, assembly dwg. No. 5568, Rev. A dated March 19, 1958, name plate dwg. No. 6001, Rev. F dated October 9, 1958 (Coast Guard classification: Type B, Size III; and Type C, Size III), manufactured by The Fire Guard Corp., 1685 Shermer Road, Northbrook, Ill.

Approval No. 162.010/134/0, Fire Guard Model D–30A (Symbol GE, GEC, GEN, or GEP), dry chemical pressure cartridge operated type hand portable fire extinguisher, assembly dwg. No. 5569, Rev. A dated March 19, 1958, name plate dwg. No. 6002, Rev. F dated October 9, 1958 (Coast Guard classification: Type B, Size IV; and Type C, Size IV), manufactured by The Fire Guard Corp., 1685 Shermer Road, Northbrook, Ill.

Approval No. 162.010/135/0, Leeder Marine Model No. 5NB, 5-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. D–821–211–3, Rev. 1 dated May 8, 1959, name plate dwg. No. B–928–302–5NB, dated July 21, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Leeder Manufacturing Co., Inc., 615 E. First Ave., Roselle, N.J.

Approval No. 162.010/136/0, Leeder Marine Model No. 10NB, 10-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. D–821–211–3, Rev. 1 dated May 8, 1959, name plate dwg. No. B–928–302–6NB dated July 21, 1959 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by Leeder Manufacturing Co., Inc., 615 E. First Ave., Roselle, N.J.

Approval No. 162.010/137/0, Leeder Marine Model No. 15NB, 15-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. D–821–211–3, Rev. 1 dated May 8, 1959, name plate dwg. No. B–928–302–7BN dated July 21, 1959 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by Leeder Manufacturing Co., Inc., 615 E. First Ave., Roselle, N.J.

Approval No. 162.010/138/0, Leeder Marine Model No. 20NB, 20-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. D–821–211–3, Rev. 1 dated May 8, 1959, name plate dwg. No. B–928–302–8NB dated July 21, 1959 (Coast Guard classification: Type B, Size III; and Type C, Size III), manufactured by Leeder Manufacturing Co., Inc., 615 E. First Ave., Roselle, N.J.

Approval No. 162.010/139/0, Leeder Marine Model No. 25NB, 25-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. D–821–211–3, Rev. 1 dated May 8, 1959 name plate dwg. No. B–928–302–9NB dated July 21, 1959 (Coast Guard classification: Type B, Size III; and Type C, Size III), manufactured by Leeder Manufacturing Co., Inc., 615 E. First Ave., Roselle, N.J.

Approval No. 162.010/140/0, Leeder Marine Model No. 30NB, 30-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. D–821–211–3, Rev. 1 dated May 8, 1959, name plate dwg. No. B–928–302–10NB dated July 21, 1959 (Coast Guard classification: Type B, Size IV; and Type C, Size IV), manufactured by Leeder Manufacturing Co., Inc., 615 E. First Ave., Roselle, N.J.

Approval No. 162.010/141/0, Elkhart Model 5DCL (Symbol LE), 5-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. D–821–211–3, Rev. 1 dated May 8, 1959, name plate dwg. No. B–928–302–E–5, Rev. 1 dated July 20, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Leeder Manufacturing Co., Inc., 615 E. First Ave., Roselle, N.J., for Elkhart Brass Manufacturing Co., Inc., 1302 W. Beardsley Ave., Elkhart, Indiana.

Approval No. 162.010/142/0, Elkhart Model 10DCL (Symbol LE), 10-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. D–821–211–3, Rev. 1 dated May 8, 1959, name plate dwg. No. B–928–302–E–6, Rev. 1 dated July 20, 1959 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by Leeder Manufacturing Co., Inc., 615 E. First Ave., Roselle, N.J., for Elkhart Brass Manufacturing Co., Inc., 1302 W. Beardsley Ave., Elkhart, Indiana.

Approval No. 162.010/143/0, Elkhart Model 15DCL (Symbol LE), 15-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. D–821–211–3, Rev. 1 dated May 8, 1959, name plate dwg. No. B–928–302–E–7, Rev. 1 dated July 20, 1959 (Coast Guard classification: Type A, Size II; and Type B, Size II), manufactured by Leeder Manufacturing Co., Inc., 615 E. First Ave., Roselle, N.J., for Elkhart Brass Manufacturing Co., Inc., 1302 W. Beardsley Ave., Elkhart, Ind.

Approval No. 162.010/144/0, Elkhart Model 20DCL (Symbol LE), 20-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. D–821–211–3, Rev. 1 dated May 8, 1959, name plate dwg. No. B–928–302–E–8, Rev. 1 dated July 20, 1959 (Coast Guard classification: Type B, Size III; and Type C, Size III), manufactured by Leeder Manufacturing Co., Inc., 615 E. First Ave., Roselle, N.J., for Elkhart Brass Manufacturing Co., Inc., 1302 W. Beardsley Ave., Elkhart, Ind.

Approval No. 162.010/145/0, Elkhart Model 25DCL (Symbol LE), 25-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. D–821–211–3, Rev. 1 dated May 8, 1959, name plate dwg. No. B–928–302–E–9, Rev. 1 dated July 20, 1959 (Coast Guard classification: Type B, Size III; and Type C, Size II), manufactured by Leeder Manufacturing Co., Inc., 615 E. First Ave., Roselle, N.J., for Elkhart Brass Manufacturing Co., Inc., 1302 W. Beardsley Ave., Elkhart, Ind.

Approval No. 162.010/146/0, Elkhart Model 30DCL (Symbol LE), 30-lb dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. D–821–211–3, Rev. 1 dated May 8, 1959, name plate dwg. No. B–928–302–E–10, Rev. 1 dated July 20, 1959 (Coast Guard classification: Type B, Size IV; and Type C, Size IV), manufactured by Leeder Manufacturing Co., Inc., 615 E. First Ave., Roselle, N.J., for Elkhart Brass Manufacturing Co., Inc., 1302 W. Beardsley Ave., Elkhart, Ind.

Approval No. 162.010/147/0, Stempel Model No. 310 (Symbol GE, GEC, GEN, or GEP), 10-lb. dry chemical pressure cartridge operated type hand portable fire extinguisher, assembly dwg. No. 5570, Rev. A dated March 19, 1958, name plate dwg. No. 6129 dated June 15, 1958 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by The General Fire Extinguisher Corp., 6801 Rising Sun Ave., Philadelphia 11, Pa., and 8740 Washington Blvd., Culver City, Calif., for M. L. Snyder & Son, Inc., Jasper and York Sts., Philadelphia 25, Pa.

Approval No. 162.010/148/0, Stempel Model No. 320 (Symbol GE, GEC, GEN, or GEP), 20-lb. dry chemical pressure cartridge operated type hand portable fire extinguisher, assembly dwg. No. 5568, Rev. A dated March 19, 1958, name plate dwg. No. 6132 dated June 15, 1958 (Coast Guard classification: Type B, Size III; and Type C, Size III), manufactured by The General Fire Extinguisher Corp., 6801 Rising Sun Ave., Philadelphia 11, Pa., and 8740 Washington Blvd., Culver City, Calif., for M. L. Snyder & Son, Inc.

Approval No. 162.010/149/0, Stempel Model No. 330 (Symbol GE, GEC, GEN, or GEP), 30-lb. dry chemical pressure cartridge operated type hand portable fire extinguisher, assembly dwg. No. 5569, Rev. A dated March 19, 1958, name plate dwg. No. 6140 dated June 15, 1958 (Coast Guard classification: Type B, Size IV; and Type C, Size IV), manufactured by The General Fire Extinguisher Corp., 6801 Rising Sun Ave., Philadelphia 11, Pa., and 8740 Washington Blvd., Culver City, Calif., for M. L. Snyder & Son, Inc., Jasper & York Sts., Philadelphia 25, Pa.

VALVES, RELIEF (HOT WATER HEATING BOILERS)

Approval No. 162.013/12/1, McDonnell No. 230–¾" relief valve for hot water heating boiler, relieving capacity 303,000 B.t.u. per hour, at maximum set pressure of 30 p.s.i., dwg. No. 230, dated October 9, 1951, approved for ¾" inlet size, manufactured by McDonnell & Miller, Inc., 3500 North Spaulding Ave., Chicago 18, Ill. (Extension of the approval published in FEDERAL REGISTER October 6, 1954, effective October 6, 1959.)

FLAME ARRESTERS FOR TANK VESSELS

Approval No. 162.016/31/1, Type "LT" flame arrester, open atmospheric pattern, semi-steel body, copper or aluminum alloy arrester elements, dwg. No. TS–1, revised August 15, 1950, approved for sizes 6", 8", and 10", manufactured by The Staytite Company, 3606–12 Polk Ave., Houston 3, Tex. (Extension of the approval published in FEDERAL REGISTER October 6, 1954, effective October 6, 1959.)

Approval No. 162.016/32/1, Type "OST" flame arrester, open atmospheric pattern, semi-steel body, copper or aluminum alloy arrester elements, dwg. No. TS–2, revised August 14, 1950, approved for sizes 3" and 4", manufactured by The Staytite Co., 3606–12 Park Ave., Houston 3, Tex. (Extension of the approval published in FEDERAL REGISTER October 6, 1954 effective October 6, 1959.)

GAGING DEVICES, LIQUID LEVEL, LIQUEFIED COMPRESSED GAS

Approval No. 162.019/13/0, RegO No. A2148R slip tube liquid level gauge for

liquefied petroleum gas and anhydrous ammonia service, dwg. No. A2148R, dated August 27, 1957, manufactured by the Bastian-Blessing Co., 4201 W. Peterson Ave., Chicago 46, Ill.

Approval No. 162.019/14/0, RegO No. A2148RD slip tube liquid level gauge for liquefied petroleum gas and anhydrous ammonia service, dwg No. A2148RD, Rev. A, dated August 12, 1958, manufactured by the Bastian-Blessing Co., 4201 W. Peterson Avenue, Chicago 46, Illinois.

Approval No. 162.019/15/0, RegO No. A2148RP slip tube liquid level gauge for liquefied petroleum gas and anhydrous ammonia service, dwg. No. A2148RP, dated January 20, 1958, manufactured by the Bastian-Blessing Co., 4201 W. Peterson Avenue, Chicago 46, Illinois.

Approval No. 164.019/16/0, RegO No. A2148RPD slip tube liquid level gauge for liquefied petroleum gas and anhydrous ammonia service, dwg. No. A2148RPD, dated April 23, 1956, manufactured by the Bastian-Blessing Co., 4201 W. Peterson Ave., Chicago 46, Ill.

Approval No. 162.019/17/0, RegO No. 2072 rotary type liquid level gauge for liquefied petroleum gas service, dwg. No. 2072, Rev. H. dated March 6, 1959, manufactured by the Bastian-Blessing Co., 4201 W. Peterson Ave., Chicago 46, Ill.

Approval No. 162.019/18/0, RegO No. A8072 rotary type liquid level gauge for anhydrous ammonia service, dwg. No. A8072, dated April 16, 1958, manufactured by the Bastian-Blessing Co., 4201 W. Peterson Ave., Chicago 46, Ill.

Approval No. 162.019/19/0, RegO No. A8092C rotary type liquid level gauge for anhydrous ammonia service, dwg. No. A8092C, Rev. B, dated April 24, 1956, manufactured by the Bastian-Blessing Co., 4201 W. Peterson Ave., Chicago 46, Ill.

Approval No. 162.019/20/0, RegO No. A8092CL rotary type liquid level gauge for liquefied petroleum gas service, dwg. No. A8092CL, Rev. A, dated April 24, 1956, manufactured by the Bastian-Blessing Co., 4201 W. Peterson Ave., Chicago 46, Ill.

Approval No. 162.019/21/0, RegO No. A8092CKL rotary type liquid level gauge for liquefied petroleum gas service, dwg. No. A8092CKL, Rev. A, dated April 24, 1956, manufactured by the Bastian-Blessing Co., 4201 W. Peterson Ave., Chicago 46, Ill.

Approval No. 162.019/22/0, RegO No. 3165F fixed tube liquid level gauge for liquefied petroleum gas service, dwg. No. 3165F, Rev. G, dated January 29, 1959, manufactured by the Bastian-Blessing Co., 4201 W. Peterson Ave., Chicago 46, Ill.

Approval No. 162.019/23/0, RegO No. 3165FP fixed tube liquid level gauge for liquefied petroleum gas service, dwg. No. 3165FP, Rev. F, dated January 29, 1959, manufactured by the Bastian-Blessing Co., 4201 W. Peterson Ave., Chicago 46, Ill.

Approval No. 162.019/24/0, RegO No. A3165F fixed tube liquid level gauge for liquefied petroleum gas and anhydrous ammonia service, dwg. No. A3165F, Rev. G, dated January 26, 1959, manufactured by the Bastian-Blessing Co., 4201 W. Peterson Ave., Chicago 46, Ill.

Approval No. 162.019/25/0, RegO No. A3165FP fixed tube liquid level gauge for liquefied petroleum gas and anhydrous ammonia service, dwg. No. A3165FP, Rev. A, dated January 26, 1959, manufactured by the Bastian-Blessing Co., 4201 W. Peterson Ave., Chicago 46, Ill.

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/58/0, "Hard Top", asbestos cement board type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210-2044:FP3533 dated September 10, 1959, approved in a density of 141 pounds per cubic foot, manufactured by Dansk Eternit-Fabrik A/S, Aalborg, Denmark.

FIRE EXTINGUISHING SYSTEMS, FIXED

National Aer-O-Foam Marine Foam Fire Extinguishing Systems with Aer-O-Foam Liquid 6% Regular, Instruction Sheet No. 620 dated February 20, 1959, manufactured by National Foam System, Inc., Union & Adams Sts., West Chester, Pa. (Supersedes approval published in FEDERAL REGISTERS March 21, 1951, December 15, 1953, and May 12, 1954.)

PART II—TERMINATIONS OF APPROVALS OF EQUIPMENT, INSTALLATIONS OR MATERIALS

CLEANING PROCESSES FOR LIFE PRESERVERS

Termination of Approval No. 160.006/18/0, Dix Cleaning Process for kapok life preservers as outlined in letter of June 17, 1949, from Dix Dry Cleaning, 766–70 Thirty-ninth Street, Brooklyn 32, N.Y. (Approved FEDERAL REGISTER October 6, 1954. Termination of approval effective July 27, 1959.)

LIFEBOATS

Termination of Approval No. 160.035/31/1, 12.0′ x 4.42′ x 1.92′ steel, oar-propelled lifeboat, 6-person capacity, identified by construction and arrangement dwg. No. 3127, dated June 3, 1954, and revised July 14, 1954, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. (Approved FEDERAL REGISTER October 6, 1954. Termination of approval effective October 6, 1959.)

Termination of Approval No. 160.035/187/1, 36.0′ x 9.0′ x 3.83′ steel, oar-propelled lifeboat, 53-person capacity, identified by construction and arrangement dwg. No. 3201, dated December 14, 1953, and revised July 13, 1954, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. (Approved FEDERAL REGISTER October 6, 1954. Termination of approval effective October 6, 1959.)

Termination of Approval No. 160.035/261/1, 34.0′ x 7.75′ x 3.33′ aluminum, oar-propelled lifeboat, 37-person capacity, identified by construction and arrangement dwg. No. 3300, dated August 25, 1949, and revised June 18, 1954, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. (Approved FEDERAL REGISTER October 6, 1954. Termination of approval effective October 6, 1959.)

Termination of Approval No. 160.035/329/0, 24.0′ x 8.0′ x 3.5′ steel, motor-propelled lifeboat without radio cabin (Class B), 40-person capacity, identified by general arrangement dwg. No. G–2440M dated May 17, 1954, and revised June 29, 1954, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N.Y. (Approved FEDERAL REGISTER October 6, 1954. Termination of approval effective October 6, 1959.)

PUMPS, LIFEBOATS, BILGE

Termination of Approval No. 160.044/7/0, size No. 2 lifeboat bilge pump constructed in accordance with master dwg. No. J–4582½, Rev. B dated January 8, 1953, manufactured by The Deming Co., Salem, Ohio. (Approved FEDERAL REGISTER October 6, 1954. Termination of approval effective October 6, 1959.)

Termination of Approval No. 160.044/11/0, size No. 2 lifeboat bilge pump, identified by master dwg. No. E–2450, Rev. A, dated July 8, 1954, manufactured by Blackmer Pump Co., Grand Rapids, Mich. (Approved FEDERAL REGISTER October 6, 1954. Termination of approval effective October 6, 1959.)

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON-DIOXIDE TYPE

Termination of Approval No. 162.005/77/0, General Quick Aid Sno Fog Fire Guard, Model 5AKR (Symbol GE or GEN), 5-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. BC–205–XB, Rev. A, dated May 7, 1953, name plate dwg. No. CG–205–2, Rev. F, dated July 29, 1953 (Coast Guard classification: Type B, Size I; and Type C, size I), manufactured by The General Detroit Corp., 2272 East Jefferson Ave., Detroit 7, Michigan. (Approved FEDERAL REGISTER October 6, 1954. Termination of approval effective October 6, 1959.)

Termination of Approval No. 162.005/78/0, General Quick Aid Sno Fog Fire Guard, Model 10R28 (Symbol GE or GEN), 10-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. BC–210–XB, dated August 11, 1953, name plate dwg. No. CG–210–A1, revised August 11, 1953 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich. (Approved FEDERAL REGISTER October 6, 1954. Termination of approval effective October 6, 1959.)

Termination of Approval No. 162.005/79/0, General Quick Aid Sno Fog Fire Guard, Model 15R28 (Symbol GE or GEN), 15-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. BC–215–XB, dated August 11, 1953, name plate dwg. No. CC–215–A1, revised August 11, 1953 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by The General Detroit Corp., 2272 East Jefferson Ave., Detroit 7, Mich. (Approved FEDERAL REGISTER October 6, 1954. Termination of approval affective October 6, 1959.)

Termination of Approval No. 162.005/80/0, General Quick Aid Sno Fog Fire Guard, Model 5AKR (Symbol GEP), 5-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. BC–205–XB, Rev. A, dated May 7, 1953, name plate dwg. No. CC–205–2, Rev. F, dated

July 29, 1953 (Coast Guard classification: Type B, size I; and Type C, Size I), manufactured by The General Pacific Corp., 1501 East Washington Blvd., Los Angeles 21, Calif. (Approved FEDERAL REGISTER October 6, 1954. Termination of approval effective October 6, 1959.)

Termination of Approval No. 162.005/81/0, General Quick Aid Sno Fog Fire Guard, Model 10R28 (Symbol GEP), 10-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. BC-210-XB, dated August 11, 1953, name plate dwg. No. CC-210-A1, revised August 11, 1953 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The General Pacific Corp., 1501 East Washington Blvd., Los Angeles 21, Calif. (Approved FEDERAL REGISTER October 6, 1954. Termination of approval effective October 6, 1959.)

Termination of Approval No. 162.005/82/0, General Quick Aid Sno Fog Fire Guard, Model 15R28 (Symbol GEP), 15-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. BC-215-XB, dated August 11, 1953, name plate dwg. No. CC-215-A1, revised August 11, 1953 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by The General Pacific Corp., 1501 East Washington Boulevard, Los Angeles 21, Calif. (Approved FEDERAL REGISTER October 6, 1954. Termination of approval effective October 6, 1959.)

GAGING DEVICES, LIQUID LEVEL, LIQUEFIED COMPRESSED GAS

Termination of Approval No. 162.019/3/1, Model No. 62D liquefied compressed gas slip tube liquid level gauge, dwg. No. 106, sheets 1 to 14, Rev. 3, dated January 29, 1953, manufactured by the Metal Goods Manufacturing Co., 106-110 South Park Ave., Bartlesville, Okla. (Approved FEDERAL REGISTER October 6, 1954. Termination of approval effective October 6, 1959.)

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Termination of Approval No. 162.020/19/0, Garland No. 14-00 deep fat fryer for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 13-7-1.001, manufactured by the Detroit-Michigan Stove Co., 6900 Jefferson Avenue East, Detroit 31, Mich. (Approved FEDERAL REGISTER October 6, 1954. Termination of approval effective October 6, 1959.)

Termination of Approval No. 162.020/59/0, Model No. 5331, range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 1-(923-19.11, -24.1, -26.1, and 27.1) .001, manufactured by RCA Estate Appliance Corp., Hamilton, Ohio. (Approved FEDERAL REGISTER October 6, 1954. Termination of approval effective October 6, 1959.)

Termination of Approval No. 162.020/60/0, Model No. 5333, range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 1-(923-19.11, -21.1, -24.1, -26.1 and 27.1) .001, manufactured by RCA Estate Appliance Corp., Hamilton, Ohio. (Approved FEDERAL REGISTER October 6, 1954. Termination of approval effective October 6, 1959.)

Termination of Approval No. 162.020/61/0, Model No. 5335, range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 1-(923-19.11, -21.1, -26.1, and -27.1) .001, manufactured by RCA Estate Appliance Corp., Hamilton, Ohio. (Approved FEDERAL REGISTER October 6, 1954. Termination of approval effective October 6, 1959.)

Termination of Approval No. 162.020/62/0, Model No. 5337, range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 1-(923-19.11, -21.1, -24.1, -26.1, and -27.1) .001, manufactured by RCA Estate Appliance Corp., Hamilton, Ohio. (Approved FEDERAL REGISTER October 6, 1954. Termination of approval effective October 6, 1959.)

Termination of Approval No. 162.020/63/0, Model No. 5339, range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 1-(923-19.11, -21.1, -24.1, -26.1, and -27.1) .001, manufactured by RCA Estate Appliance Corp., Hamilton, Ohio. (Approved FEDERAL REGISTER October 6, 1954. Termination of approval effective October 6, 1959.)

Termination of Approval No. 162.020/64/0, Model No. 5341, range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 1-(923-19.11, -21.1, -24.1, -26.1, and -27.1) .001, manufactured by RCA Estate Appliance Corp., Hamilton, Ohio. (Approved FEDERAL REGISTER October 6, 1954. Termination of approval effective October 6, 1959.)

BULKHEAD PANELS

Termination of Approval No. 164.008/17/0, C Board, asbestos cement board type bulkhead panel identical to that described in National Bureau of Standards Test Report No. TG-3619-46; FR-1791 dated August 13, 1940, approved as meeting Class B-15 requirements in a ¾-inch thickness, manufactured by Keasbey and Mattison Co., Ambler, Pa. (Approved FEDERAL REGISTER October 4, 1957.)

PART III—CHANGE IN NAME OF PRODUCT AND MANUFACTURER

The name of the Baldwin-Hill Co., 500 Breunig Ave., Trenton 2, N.J., has been changed to Baldwin-Ehret-Hill, Inc., 500 Breunig Ave., Trenton 2, N.J. The names of the products with the following approval numbers have been changed as indicated:

Approval No.	Name of product	Published in FEDERAL REGISTER
164.007/18/0..	"B-E-H 6-Pound Felt" structural insulation.	Oct. 4, 1957
164.007/19/0..	"B-E-H Loose Wool" structural insulation.	Oct. 4, 1957
164.007/22/0..	"B-E-H 8-Pound Felt" structural insulation.	June 3, 1958
164.007/23/0..	"B-E-H Mono-Block" structural insulation.	June 3, 1958
164.009/28/1..	"B-E-H Spun Felt" incombustible material.	July 4, 1958

PART IV—CHANGE IN NAME OF PRODUCT

The name of the product manufactured by Dansk Eternit Fabrik A/S, Aalborg, Denmark, with Approval No. 164.008/33/0 published in FEDERAL REGISTER of May 15, 1956, has been changed from "Navilite" to "Navilite 36, Type V".

PART V—CHANGE IN NAME AND ADDRESS OF MANUFACTURERS

The name and address of the Ehret Magnesia Manufacturing Co., Valley Forge, Pennsylvania, have been changed to Baldwin-Ehret-Hill, Inc., 500 Breunig Ave., Trenton 2, N.J., for "Thermasil", Approval No. 164.009/49/0, and "Thermalite", Approval No. 164.009/50/0, incombustible materials published in the FEDERAL REGISTER dated June 3, 1958.

The name and address of the American Rock Wool Corporation, Wabash, Indiana, have been changed to United States Gypsum Company, 300 West Adams St., Chicago 6, Ill., for Approval No. 164.009/54/0 for incombustible material published in the FEDERAL REGISTER of September 27, 1958.

PART VI—CORRECTION TO PRIOR DOCUMENT

The Coast Guard Document CGFR 59-34 and Federal Register Document 59-7362 published in the FEDERAL REGISTER of September 3, 1959, are corrected by making the following change:

(a) Substitute Approval No. 162.005/124/0 in lieu of 162.005/121/0 under the heading Fire Extinguishers, Portable, Hand, Carbon Dioxide Type. (24 F.R. 7141, 1st col.)

Dated: November 10, 1959.

[SEAL] A. C. RICHMOND,
Vice Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 59-10690; Filed, Dec. 16, 1959; 8:49 a.m.]

Office of the Secretary

[AA 643.3]

ALUMINUM FOIL FROM SWITZERLAND

Determination of No Sales at Less Than Fair Value

DECEMBER 9, 1959.

A complaint was received that aluminum foil from Switzerland was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that aluminum foil from Switzerland is not being, nor is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. Aluminum foil identical or similar to that sold for exportation to the United States is not sold for home consumption in Switzerland in sufficient quantity to furnish an adequate basis for comparison. Comparison was accordingly made between prices to the United States and prices for exportation to third countries. The

comparison disclosed no sales at less than third country prices with the exception of certain widths of capacitor foil sold during 1958 and a few sales of unbacked converter foil made prior to October 15, 1958. None of the sales made since October 15, 1958, has been at less than third country prices, due to a revision in the manufacturer's pricing. The evidence available indicates that there is no likelihood of sales at less than third country price in the future. The volume of sales sold at a dumping price was deemed to be not more than insignificant.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-10691; Filed, Dec. 16, 1959; 8:49 a.m.]

[AA 643.3]

CYANURIC CHLORIDE FROM JAPAN

Determination of No Sales at Less Than Fair Value

DECEMBER 9, 1959.

A complaint was received that cyanuric chloride from Japan was being sold to the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that cyanuric chloride from Japan is not being, nor is likely to be, sold in the United States at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160 (a)).

Statement of reasons. Cyanuric chloride is sold to this country in arms-length transactions. The same product is sold in the home market in substantial quantities. Consequently, for fair value purposes, purchase price was compared to home market price.

The price structure in the home market varies with the quantity purchased. In calculating home market price, therefore, the price for the same quantity sold to the United States was used. From this price, deductions were made for inland freight, commission, finance charges, selling expenses, and storage. Adjustment was also made for the difference in cost of packing.

In calculating purchase price, allowance was made for ocean freight, insurance, inland freight, storage, lighterage, commission, and selling expenses.

On the basis of the foregoing, it was found that the purchase price is not less than the home market price.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-10692; Filed, Dec. 16, 1959; 8:49 a.m.]

[AA 643.3]

MONOSODIUM GLUTAMATE FROM JAPAN

Determination of No Sales at Less Than Fair Value

DECEMBER 9, 1959.

A complaint was received that monosodium glutamate from Japan was being sold to the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that monosodium glutamate from Japan is not being, nor is likely to be, sold in the United States at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. The bulk of the imported monosodium glutamate from Japan is sold by the major Japanese producer to a wholly-owned subsidiary in the United States. The imported commodity is produced for two fundamentally different markets: (1) Retail size packages (1- to 28-ounce-size packages) for household kitchen use, and (2) bulk sizes (5-pound tins to 125-pound drums) for industrial manufacturers. The great preponderance of the imported merchandise consisted of 100-pound drums.

In the home market, except for certain small experimental sales, only retail size packages are sold. Bulk sizes are sold to third countries. The quantity of retail size packages sold for home consumption and the quantity of bulk size packages sold to third countries was adequate to form a basis for a fair value comparison. It was accordingly determined that the proper fair value comparison was between home market price and exporter's sales price as to retail size packages, and between third country price and exporter's sales price as to bulk size packages.

In comparing the home market price of retail size packages with the exporter's sales price, due adjustment was made for discounts and rebates applicable to home market sales, a commodity tax applicable only to home market sales, and a raw material cost differential resulting from the exemption of import duties on raw materials used in the production of monosodium glutamate for exportation. In comparing the third country price of bulk size packages with the exporter's sales price, due adjustment was made for commission, ocean freight, and insurance included in the third country price.[1] The exporter's sales price, both as to retail size and bulk size packages, was calculated from the price at which the importer sold the merchandise in the United States, by deducting the included costs in the United States of selling, inland freight, storage, duty, and brokerage, and the cost of ocean freight and insurance.

It was found that there had been sales of relatively small quantities of bulk size containers of monosodium glutamate at less than third country price during the early part of the period under consideration. The quantities thus sold and the differences in price were deemed to be not more than insignificant. Thereafter, the manufacturer revised its pricing, with the result that there have been no further sales at less than third country price, as represented by either the weighted average price or the preponderance of sales. At no time was the exporter's sales price of retail size packages less than the home market price. The evidence available indicates that there is no likelihood of sales at less than home market prices or at less than third country prices, as applicable, in the future.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-10693; Filed, Dec. 16, 1959; 8:49 a.m.]

[1] For the purpose of the fair value comparison, both a weighted average third country price and the third country price at which a preponderance of sales was made were considered.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Proposed Withdrawal and Reservation of Land; Amendment

DECEMBER 11, 1959.

The notice of the proposed withdrawal and reservation of land for the Federal Aviation Agency in the Anchorage Land District, Alaska (Anchorage 042225) was published in the FEDERAL REGISTER on June 12, 1958 in Volume 23, Number 115, on Page 4170. The description of the lands involved in the application are hereby amended to read as follows:

OUTER MARKER SITE

From the Northwest corner of Air Navigation Site Withdrawal No. 176, Cold Bay, Alaska, go N. 8°43'55" W. 15,549.50 feet to the point of beginning, which said point is identical to the termination point of a certain 400 foot wide right-of-way for an access road and power and communication lines;

thence S. 68°27'14" W. 200 feet;
thence N. 21°32'46" W. 400 feet;
thence N. 68°27'14" E. 400 feet;
thence S. 21°32'46" E. 400 feet;
thence S. 68°27'14" W. 200 feet to the point of beginning.

Containing 3.67 acres, more or less; all bearings true.

L. T. MAIN,
Operations Supervisor.

[F.R. Doc. 59-10667; Filed, Dec. 16, 1959; 8:46 a.m.]

IDAHO

Proposed Withdrawal and Reservation of Lands

DECEMBER 11, 1959.

The Department of the Army has filed an application, Serial Number I-010942

for the withdrawal of the lands described below, from all forms of appropriation under the Public Land Laws. The applicant desires the land for Strategic Air Command Missile Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 9 S., R. 5 E.,
Sec. 3; NW¼NW¼SW¼NW¼, S½NW¼SW¼NW¼, SW¼SW¼NW¼, NW¼SE¼SW¼NW¼, S½SE¼SW¼NW¼, NE¼NW¼SW¼, W½NW¼SW¼, N½SE¼NW¼SW¼, SW¼SE¼NW¼SW¼, NW¼NE¼SW¼SW¼, NW¼SW¼SW¼SW¼, NW¼SW¼SW¼SW¼;
Sec. 4; E½SW¼NE¼, SE¼NW¼SW¼NE¼, SW¼SW¼NE¼, SE¼NE¼, SE¼SE¼SE¼NW¼, E½E½NE¼SW¼, NE¼NE¼SE¼SW¼, N½SE¼, N½S½SE¼, NE¼SW¼SW¼SE¼, SE¼SW¼SE¼, SW¼SE¼SE¼, N½SE¼SE¼SE¼, SW¼SE¼SE¼SE¼.

This area includes a total of 315.00 acres located in Owyhee County, Idaho.

Within the above area the following-described lands, designated as parcel B, are to be withdrawn for exclusive use of the applicant only:

Beginning at a point North 0°36'27" east, 215.98 feet from the east quarter corner of Section 4; thence by the following bearings and distances: South, 850.0 feet; west, 420.0 feet; south 9°11'48" east, 1,063.67 feet; west, 890.0 feet; north 20°59'55" west, 1,060.43 feet; north, 910.0 feet; east, 1,520 feet to the point of beginning, comprising a total of 53.91 acres.

The remaining area, designated as Parcel A, may be used for grazing purposes under the provisions of the Act of June 28, 1934 (48 Stat. 1269) as amended.

MICHAEL T. SLOAN,
Acting State Supervisor.

[F.R. Doc. 59-10668; Filed, Dec. 16, 1959; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

WINFIELD LIVESTOCK AUCTION, INC., ET AL.

Proposed Posting of Stockyards

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Winfield Livestock Auction, Inc., Winfield, Kansas.

Dawson Livestock Sales Pavilion, Dawson, Minnesota.

Eagle Bend Sales Barn, Eagle Bend, Minnesota.

Clinton Auction Livestock Market, Mill Hall, Pennsylvania.

Knoxville Sales Co., Knoxville, Pennsylvania.

Tri County Auction, Brockway, Pennsylvania.

East Thetford Commission Sales, East Thetford, Vermont.

Gallerani's Commission Sale, Inc., Bradford, Vermont.

Lynden Auction Market, Lynden, Washington.

Beckley Livestock Auction Market, Beckley, West Virginia.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of December, 1959.

DAVID M. PETTUS,
Director, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 59-10702; Filed, Dec. 16, 1959; 8:49 a.m.]

Agricultural Research Service

ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

Order Selecting Members and Alternate Members of Control Agency Pursuant to Marketing Agreement and to Marketing Order

Pursuant to the provisions of the marketing agreement and the marketing order regulating the handling of anti-hog-cholera serum and hog-cholera virus (9 CFR Part 131), effective under the provisions of Public Law 320, 74th Congress, approved August 24, 1935 (7 U.S.C. 851 et seq.), the following persons are hereby selected to serve as members and alternates on the Control Agency established pursuant to the said marketing agreement and to the said marketing order:

To represent manufacturers marketing their products principally through veterinarians:

1. E. F. Buesking, as member, and E. L. Boley as his alternate.
2. E. A. Cahill, Jr., as member, and Ralph McKee as his alternate.
3. John O. Gwin, as member, and Carl Norden as his alternate.
4. D. A. Peterson, as member, and K. R. Peterson as his alternate.
5. M. F. Wallace, as member, and John Todd as his alternate.

To represent manufacturers marketing their products principally through other channels:

6. Henry Carpenter, as member, and Clint Loy as his alternate.
7. V. A. Haring, as member, and Clint Loy as his alternate.
8. Majon Huff as member, and T. B. Huff as his alternate.
9. O. T. Snow, as member, and T. B. Huff as his alternate.
10. Vernon Witt, as member, and T. B. Huff as his alternate.

To represent distributors marketing their products principally through veterinarians:

11. H. N. Holmes, as member, and William A. Butler as his alternate.

To represent distributors marketing their products principally through other channels:

12. E. F. Dreppard, as member, and George C. Cloys as his alternate.

Each person hereby selected as a member or alternate member of the Control Agency shall be notified of his selection and shall begin serving on the date that such person qualifies by filing a written acceptance of his appointment with the Secretary, and each such person shall serve, after having qualified as aforesaid, until December 31, 1960, and in the event that the respective person's successor has not been selected and has not qualified by December 31, 1960, such person shall serve until his successor has been selected and has qualified.

Done at Washington, D.C., this 11th day of December 1959.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 59-10684; Filed, Dec. 16, 1959; 8:48 a.m.]

Commodity Stabilization Service

SUGAR IN CONTINENTAL UNITED STATES

Importation for Refining and Storage; Amendment

The notice issued on September 28, 1959 (24 F.R. 7969) is hereby amended by adding the following sentence at the end of the second paragraph thereof: "For the purpose of this notice, sugar held in inventory under the control of a refiner in warehouse facilities within two miles of the refinery where such sugar was received shall be deemed to be held at that refinery: *Provided, however,* That the provisions of this sentence shall apply to sugar authorized for release prior to December 17, 1959, only if the principal on the bond pursuant to which such authorization was issued, together with the surety on such bond, notifies the Director, Sugar Division,

Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C., that such sugar will be held pursuant to the provisions of this sentence."

Issued at Washington, D.C., this 14th day of December 1959.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-10685; Filed, Dec. 16, 1959; 8:48 a.m.]

Office of the Secretary

SOUTH CAROLINA

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the State of South Carolina a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

SOUTH CAROLINA

Aiken.	Lee.
Clarendon.	Marion.
Dillon.	Marlboro.
Edgefield.	Newberry.
Florence.	Saluda.
Horry.	Sumter.
Kershaw.	Williamsburg.
Lancaster.	

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1960, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 11th day of December 1959.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-10686; Filed, Dec. 16, 1959; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-102]

FARRELL LINES, INC.

Notice of Application and of Hearing

Notice is hereby given of the application of Farrell Lines, Incorporated, for written permission of the Maritime Administrator, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, for ts own vessel, the "SS African Patriot", which is under time charter to States Marine Lines, Inc., to engage in one eastbound intercoastal voyage commencing at one Pacific port on or about December 22, 1959, either carrying a full cargo of lumber or lumber products to United States Atlantic ports north of Cape Hatteras. This application may be inspected by interested parties in the Office of Government Aid, Maritime Administration.

A hearing on the application has been set before the Acting Maritime Administrator for December 21, 1959, at 9:30 a.m., e.s.t., in Room 4519, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before 9:30 a.m., e.s.t., December 21, 1959, notify the Secretary, Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Maritime Administration, petitions for leave to intervene received after 9:30 a.m., e.s.t., December 21, 1959, will not be granted in this proceeding.

Dated: December 16, 1959.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-10743; Filed, Dec. 16, 1959; 9:38 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

PUBLIC HEALTH SERVICE

Amendment of Statement of Organization and Delegations of Authority

Part 4 of the Statement of Organization and Delegations of Authority of the Department (22 F.R. 1049) is hereby amended by adding at the end of subsection 4.20(a) a new subparagraph (9) as follows:

(9) The Act of June 21, 1950 (P.L. 569, 81st Congress), as amended, relating to the appointment of boards of medical officers to determine the mental competency of members of the uniformed services.

Dated: December 8, 1959.

[SEAL] ARTHUR S. FLEMMING,
Secretary.

[F.R. Doc. 59-10666; Filed, Dec. 16, 1959; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12054; FCC 59-1247]

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

Columbus, Ga., and Dothan, Ala.

MEMORANDUM OPINION AND ORDER DESIGNATING MATTER FOR HEARING

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations (Columbus, Georgia), Docket No. 12054; and order directing WTVY, Inc., to show cause why its authorization for Station WTVY, Dothan, Alabama, should not be modified to specify operation on Channel 4 in lieu of Channel 9.

1. The Commission has before it for consideration: (a) the Petition for Reconsideration of WTVY, Inc., licensee of Station WTVY, Channel 9, Dothan, Alabama, filed on August 17, 1959, against the Commission's Report and Order adopted July 15, 1959 (FCC 59-721); (b) oppositions to the Request for Reconsideration of WTVY, Inc., filed by Martin Theatres of Georgia, Inc. (Theatres), licensee of Station WTVM, Channel 28, Columbus, Georgia; by Birmingham Television Corporation (Birmingham), permittee of Station WBMG, Channel 42, Birmingham, Alabama; and by Georgia State Board of Education (Board of Education), applicant for educational Channel 9, Savannah, Georgia; (c) a statement with respect to the Petition for Reconsideration of WTVY, Inc., filed by Columbus Broadcasting Company, Inc. (Columbus), licensee of Station WRBL-TV, Channel 4, Columbus, Georgia; and (d) a reply by WTVY, Inc., to the oppositions and statement set forth above.

2. On January 20, 1958, the Commission issued a notice of further proposed rule making and orders to show cause in the instant proceeding in which, inter alia, it shifted Channel 9 from Dothan to Columbus and ordered WTVY, Inc., to show cause why its authorization should not be modified to specify operation on Channel 4. In response to the show cause order, WTVY, Inc., on March 3, 1958, filed supporting comments consenting to the proposed modification. By a subsequent communication dated January 27, 1959, WTVY, Inc., informed the Commission and parties to the proceeding that it was withdrawing its consent to the show cause order and would demand a hearing pursuant to section 316 of the Communications Act of 1934, as amended, in the event the final action of the Commission specified an antenna site at Cusseta, Georgia, for the contemplated common Channel 3-Channel 9 antenna structure of WRBL-TV and WTVM in Columbus. WTVY, Inc., stated, however, that it would not withhold its consent if the Commission specifically designated an alternative antenna site, known as Juniper No. 2, for the joint antenna structure of the Columbus stations, which site was mutually agreeable to the Columbus stations. On July 15, 1959, the Commission adopted a Report and Order in this proceeding (FCC 59-721) in which, among other things, it conditionally modified the license of WTVY, Inc., for Station WTVY in Dothan to specify operation on Channel 4 in lieu of Channel 9. The Report and Order also conditionally modified the licenses of Theatres and Columbus to specify operation by Theatres on Channel 9 in lieu of Channel 28 in Columbus, and operation by Columbus on Channel 3 in lieu of Channel 4 in Columbus, but without reference to a specifically designated antenna site therefor.

3. On August 14, 1959, WTVY, Inc., filed a Demand for Hearing pursuant to

sections 303(f) and 316 of the Act, and stated that it would not acquiesce in or accept any modification of its license for Channel 9 at Dothan except such as may be accomplished by proper proceedings pursuant to the above-cited sections.

4. On August 17, 1959, WTVY, Inc., filed a Petition for Reconsideration of the Commission's Report and Order adopted July 15, 1959, requesting that the Commission either set aside the Report and Order or, in the alternative, modify it to include a requirement that the common antenna site to be used by WRBL–TV and WTVM under the modified authorizations for Channels 3 and 9, respectively, be specified as that location known as "Juniper No. 2". WTVY, Inc., further requests the Commission to act on its pending application (BPCT–2595), filed January 16, 1959, for authority to increase tower height and power.

5. On August 21, 1959, WTVY, Inc., filed a Motion to Stay the effectiveness of the July 17th Report and Order, and on September 2, 1959, the Commission on its own motion stayed until further order that portion of the Report and Order which changed the TV Table of Assignments.

6. On August 28, 1958, Theatres (WTVM) filed an opposition to the Petition for Reconsideration and Motion for Stay, alleging, in substance, that the only problem to be determined by the Commission is the antenna site to be utilized jointly by the Columbus stations, and arguing that the consent by WTVY, Inc., to the modifications contemplated by the July 15th Report and Order cannot be withdrawn except with leave of the Commission.

7. On September 8, 1959, Birmingham (WBMG) filed its opposition to the WTVY, Inc., petition, arguing that grant of the petition is discretionary and should be denied, and urging that, in the event WTVY, Inc. is granted a hearing, Channel 4 be removed from Columbus and assigned to Birmingham in Docket No. 12945, presently pending. Birmingham argues that, should WTVY, Inc., be modified to Channel 4 in Dothan, such operation would be feasible even though Channel 4 was also allocated to Birmingham.

8. On September 10, 1959, Board of Education, the applicant for educational Channel 9 at Savannah, Georgia, filed an opposition to the WTVY, Inc., petition, stating that it opposes that petition insofar as it suggests that the "Juniper No. 2" site be used for the Channel 9 station at Columbus, rather than the Cusseta site, for the reason that Board of Education proposes a transmitter site which would be 17 miles short of the required 190-mile co-channel separation if the "Juniper No. 2" site were used, whereas the short separation would be only four miles if the Cusseta site were selected. The Board of Education states that it is willing, however, as is WTVM, to consent to a waiver of the minimum separation requirement with respect to the "Juniper No. 2" site, provided that both facilities employ precision carrier frequency offset.

9. On September 10, 1959, Columbus (WRBL–TV) filed a statement in connection with the WTVY, Inc., petition in which it argues that the consent to modification given by WTVY, Inc. is not revocable, and, in any case, its (WTVY, Inc.) objections are directed to the determination of a joint antenna site to be utilized by WRBL–TV and WTVM, and it has no status to object thereto. Columbus states that it will not consent to a modification of its license to require operation at an antenna site other than "Juniper No. 2" or the Cusseta site.

10. On September 16, 1959, Theatres filed a reply to the oppositions in the subject proceeding, stating in substance that, as a result of the consent of Board of Education and WRBL–TV to the use of the Juniper site, and since Theatres also agrees with Board of Education as to the use of precision offset carrier in order to minimize interference, the Commission is now in a position to finalize the Show Cause Orders in the subject proceeding.

11. On September 21, 1959, WTVY, Inc., filed its Reply to the oppositions and statement filed in the subject proceeding. WTVY, Inc., alleges, in substance, that the oppositions and statement do not controvert its showing of a right to and necessity for the reconsideration and other relief requested. WTVY, Inc., suggests that the Commission grant its Petition for Reconsideration to the extent of modifying the July 15th Report and Order to specify that WRBL–TV and WTVM operate jointly from the "Juniper No. 2" antenna site; that the Commission grant a waiver of the mileage separation requirements and authorize Board of Education to operate from the site proposed on Channel *9; that the Commission issue to WTVY, Inc. authorization for facilities specifying Channel 4; and that the Commission further order that no further action will be taken on the pending petition for reconsideration or demand for hearing until WRBL–TV and WTVM are authorized to commence program tests with their new facilities at "Juniper No. 2" site, and upon the date such program test authorization is granted, the WTVY, Inc., petition and demand for hearing be dismissed.

12. WTVY, Inc., bases its objections to the use of the Cusseta site by the Columbus stations primarily upon the fact that WRBL–TV, a CBS affiliate, operating from the Cusseta site would penetrate the service area of WTVY and eliminate a portion of its heretofore unduplicated CBS service. Should WTVY operate on Channel 4 at Dothan, and WRBL–TV operate on Channel 3 at Cusseta, the prescribed minimum adjacent channel separation would be 60 miles. The Cusseta site is 83½ airline miles from Dothan; the "Juniper No. 2" site is 99½ airline miles from Dothan. It is clear, therefore, that WTVY, Inc. has no legal right to dictate the transmitter location for the Columbus stations. However, WTVY, Inc., does have a legal right to demand a hearing with respect to the proposed modification of its license. We have considered the proposal to specify the "Juniper No. 2" antenna site which apparently would meet with no objection from any of the parties concerned. However, operation of WTVM on proposed Channel 9 from the "Juniper No. 2" site would result in a 17-mile co-channel short separation to the Channel *9 site at Pembroke, Georgia, proposed by Board of Education. It is our position at the present time that a 17-mile co-channel shortage is not justifiable. Finally, in view of the agreement between Columbus and Theatres to utilize a common antenna structure for their operations on the proposed Channels 3 and 9, and in view of their acquiescence to modification of their respective licenses predicated upon such mutual agreement and since aeronautical hazard problems might result from any proposal to utilize separate sites for high antenna towers in the same general area, we are reluctant to specify separate sites for WTVM and WRBL–TV which might otherwise be acceptable to all concerned.

In view of the above: *It is ordered,* That the request for hearing contained in the "Petition for Reconsideration" filed by WTVY, Inc., on August 17, 1959, is granted and the "Petition for Reconsideration" in all other respects is denied.

It is further ordered, That, pursuant to sections 303(f) and 316 of the Communications Act of 1934, as amended, a hearing be held at the offices of the Commission in Washington, D.C., at a time to be specified in a subsequent order, before an Examiner to be later designated, to determine whether the public interest, convenience and necessity would be promoted by modifying the license of WTVY, Inc., for Station WTVY, Channel 9, Dothan, Alabama, to specify operation on Channel 4 in Dothan.

It is further ordered, That the hearing in this proceeding be expedited.

It is further ordered, That in conformity with the requirements of section 316 of the Communications Act of 1934, as amended, the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the Commission.

Adopted: December 9, 1959.

Released: December 14, 1959.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59–10696; Filed, Dec. 16, 1959; 8:49 a.m.]

[Docket No. 13300; FCC 59–1246]

COAST VENTURA CO. (KVEN–FM)

Order Designating Application for Hearing on Stated Issues

In re application of Coast Ventura Company (KVEN–FM), Ventura, California, has 100.7 Mc, No. 264; 12 kw.; minus 180 ft., req. 100.7 Mc, No. 264; 38.6 kw.; 1285 ft., Docket No. 13300, File No. BMPH–6039; for modification of construction permit.

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[1] Concurring statement of Commissioner Bartley filed as part of original document.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 9th day of December 1959;

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated October 23, 1959, and incorporated herein by reference, notified the applicant and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant without hearing on the application; and

It further appearing that after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the area and population within the 1 mv/m contour which may be expected to gain or lose service from the proposed operation of Station KVEN-FM and the availability of other such FM broadcast service to said area and population.

2. To determine whether the proposal of KVEN-FM would involve objectionable interference with Stations KMLA, Los Angeles, and KHJ-FM, Hollywood, California, or any other existing FM broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other FM service to such areas and populations.

3. To determine, in the light of the evidence adduced, pursuant to the foregoing issues, whether the application of KVEN-FM should be granted.

It is further ordered, That the KMLA Broadcasting Corporation, licensee of Station KMLA, Los Angeles, California, and RKO Teleradio Pictures, Inc., licensee of Station KHJ-FM, Hollywood, California, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

Released: December 14, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-10697; Filed, Dec. 16, 1959; 8:49 a.m.]

[Docket Nos. 13203 etc.; FCC 59M-1695]

H AND R ELECTRONICS, INC., ET AL.

Order Continuing Hearing

In re applications of H and R Electronics, Inc., Greenville, North Carolina, Docket No. 13203, File No. BP-11635; Francis M. Fitzgerald, Greensboro, North Carolina, Docket No. 13205, File No. BP-12566; Wilbur B. Reisenweaver, tr/as Reisenweaver-Communications Winston-Salem, North Carolina, Docket No. 13206, File No. BP-12641; North Carolina Electronics, Inc., Raleigh, North Carolina, Docket No. 13207, File No. BP-12769; James Poston and Frank P. Larson, Jr. d/b as Poston-Larson Broadcasting Company, Graham, North Carolina, Docket No. 13208, File No. BP-13094; WYTI, Incorporated, Vinton, Virginia, Docket No. 13209, File No. BP-13117; for construction permits.

Pursuant to agreement of counsel arrived at during the prehearing conference held on this date: *It is ordered,* This 10th day of December 1959, that the hearing in the above-styled proceeding presently scheduled for December 17, 1959, is continued to March 1, 1960, at 10 o'clock a.m., in Washington, D.C.

Released: December 11, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-10698; Filed, Dec. 16, 1959; 8:49 a.m.]

[Docket No. 13297; FCC 59-1244]

HIAWATHALAND BROADCASTING CO. (WSOO)

Order Designating Application for Hearing on Stated Issues

In re application of Hiawathaland Broadcasting Company (WSOO), Sault Ste. Marie, Michigan, Has. 1230 kc, 250 w, U, requests 1230 kc, 250 w, 1 kw-LS, U, Docket No. 13297, File No. BP-12230, for standard broadcast construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 9th day of December 1959;

The Commission having under consideration the above-captioned and described application;

It appearing that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated September 29, 1959, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant at this time and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that, the Commission's above-referenced letter of September 29, 1959, requested site photographs in order that a determination might be made as to whether the transmitter site was satisfactory; that, in an amendment filed October 19, 1959, the applicant submitted photographs which indicate the presence of two vertical towers of undetermined height in the near vicinity of the antenna; and that, therefore, it appears necessary to determine whether these structures would result in re-radiation and, or, cross-modulation effects with the proposed operation; and

It further appearing that after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WSOO and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of Hiawathaland Broadcasting Company would involve objectionable interference with Station WCBY, Cheboygan, Michigan, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the transmitter site proposed by Hiawathaland Broadcasting Company is satisfactory with particular regard to any conditions that may exist in the vicinity of the an-

tenna system which would result in re-radiation and/or cross modulation effects with the proposed operation.

4. To determine, in the light of the evidence adduced, pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That the Straits Broadcasting Company, licensee of Station WCBY, Cheboygan, Michigan, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

Released: December 14, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F R Doc. 59-10699; Filed, Dec. 16, 1959; 8:49 a.m.]

[Docket Nos. 13298, 13299; FCC 59-1245]

WILLIAM P. LEDBETTER AND E. O. SMITH

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of William P. Ledbetter, Tolleson, Arizona, requests 1190 kc, 250 w, DA-1, U, Docket No. 13298, File No. BP-11951; E. O. Smith, Tolleson, Arizona, requests 1190 kc, 250 w, DA-1, U, Docket No. 13299, File No. BP-13137; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 9th day of December 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, the applicants are legally, technically, financially, and otherwise qualified to construct and operate their instant proposals; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated October 6, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of either of the applications would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring a hearing on the particular issues hereinafter specified; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

2. To determine, on a comparative basis, which of the instant proposals would better serve the public interest, convenience and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

b. The proposals of each of the applicants with respect to the management and operation of the proposed station.

c. The programming service proposed in each of the said applications.

3. To determine in the light of the evidence adduced pursuant to the foregoing issues which, if either of the instant applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order file with the Commission, in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: December 14, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R Doc. 59-10700; Filed, Dec. 16, 1959; 8:49 a.m.]

[Docket Nos. 12957-12959; FCC 59M-1694]

PIONEER BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of Pioneer Broadcasting Company, Spanish Fork, Utah, Docket No. 12957, File No. BP-11678; Jack E. Falvey and Harry Saxe, d/b as Fortune Broadcasting, Salt Lake City, Utah, Docket No. 12958, File No. BP-12239; United Broadcasting Company (KVOG), Ogden, Utah, Docket No. 12959, File No. BP-12260; for construction permits.

The Hearing Examiner having under consideration a petition for postponement of various procedural dates, filed by United Broadcasting Company on December 9, 1959;

It appearing, that counsel for all parties have agreed to the postponement requested;

It is ordered, This 10th day of December 1959, that the above petition is granted, and the dates designated for hearing and various procedural steps herein are postponed as follows:

	From—	To—
Date for preliminary exchange of information.	Dec. 9, 1959	Dec. 21, 1959
Date for exchange of exhibits constituting direct cases of applicants.	Dec. 14, 1959	Dec 29, 1959
Date for hearing.....	Dec 17, 1959	Jan. 6, 1960

Released: December 11, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-10701; Filed, Dec. 16, 1959; 8.49 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2248]

ARIZONA POWER AUTHORITY

Notice of Amendment to Application for License

DECEMBER 10, 1959.

Public notice is hereby given that Arizona Power Authority, of Phoenix, Arizona, has filed an application under the Federal Power Act (16 U.S.C. 791a-825r) for amendment of its application for license for proposed waterpower Project No. 2248, to be known as the Colorado River Project and to consist of the Bridge Canyon, Marble Canyon and Little Colorado River developments on the Colorado River, the Little Colorado River, and the latter's tributary Moenkopi Wash, in Coconino and Mohave Counties, Arizona, and affecting lands of the United States in the Lake Mead National Recreation Area, Hualapai Indian Reservation, Kaibab National Forest, Navajo Indian Reservation and other lands of the United States.

The proposed project would have a total initial installed capacity of 820,000 kilowatts with a possible future installation of an additional 650,000 kilowatts and is more specifically described as fol-

lows: (1) Bridge Canyon Development, consisting of a concrete arch dam comprised of a double-curvature arch section 1,100 feet long, two gravity sections 175 feet long, and a gated spillway section 243 feet long; a reservoir with normal water surface at elevation 1,610, an area of 6,400 acres and storage of 820,000 acre-feet; steel penstocks; a powerhouse downstream from the dam containing four 165,000-horsepower turbines each directly connected to 120,000-kilowatt generators installed initially with provision for two additional units and future extension of the powerhouse to house two units in an underground station; step-up transformers; a switchyard; a double-circuit 345-kv transmission line to a substation at Prescott; a double-circuit 345-kv line from Glen Canyon switchyard to the Prescott substation; one double-circuit 345-kv line and one single-circuit 345-kv line on double-circuit towers between Prescott and Cave Creek; a single-circuit 345-kv line between Cave Creek and Tucson; one double-circuit 230-kv line from Cave Creek to a substation in West Phoenix and a single-circuit 230-kv line from Cave Creek to the Mesa substation, east of Phoenix, both to be constructed on double-circuit towers; and appurtenant mechanical and electrical facilities; (2) Marble Canyon Development, consisting of a concrete arch dam about 700 feet long, including a submerged spillway at each end and an intake section; a reservoir with normal water surface at elevation 3,130, an area of 5,300 acres, and storage of 480,000 acre-feet extending about 55 miles upstream to the Glen Canyon dam; steel penstocks; a powerhouse containing four 117,500-horsepower turbines each directly connected to 85,000-kilowatt generators installed initially with provision for two additional units; step-up transformers; a switchyard; and appurtenant electrical and mechanical facilities; and (3) Little Colorado River Development, consisting of the Tolchico and Moenkopi Reservoirs to be constructed for purposes of silt detention: (a) Tolchico Development, consisting of a rolled-fill dam located on the Little Colorado River; a side channel uncontrolled spillway; a reservoir with water surface at elevation of 4,700 feet, an area of 28,000 acres and a capacity of 600,000 acre-feet; two dikes; and a tunnel to convey releases from the reservoir; and (b) Moenkopi Development, consisting of a rock-fill dam on Moenkopi Wash; a side channel uncontrolled spillway; an intake tower; a tunnel; a reservoir at elevation 4,230 feet with a capacity of 50,000 acre-feet; and two dikes. The energy generated at the project would be distributed throughout the State of Arizona by the applicant or sold or exchanged with other distributors in adjacent states over the interconnected transmission system.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is January 14, 1960. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-10656; Filed, Dec. 16, 1959; 8:45 a.m.]

[Docket No. G-19974]

ALABAMA-TENNESSEE NATURAL GAS CO.

Notice of Application and Date of Hearing

DECEMBER 11, 1959.

Take notice that on October 27, 1959, as supplemented on November 19, 1959, Alabama-Tennessee Natural Gas Company (Applicant) filed in Docket No. G-19974 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the sale and delivery of natural gas on an interruptible basis to Tennessee River Pulp & Paper Company for use in a paper mill now under construction in Hardin County, Tennessee, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The facilities for which authorization is sought consist of approximately 13 miles of 6⅝ inch lateral pipeline, and appurtenances, extending from Applicant's Corinth purchase gas meter station in Alcorn County, Mississippi, to the aforesaid paper mill. The estimated cost of these facilities is $235,000.

The initial maximum natural gas requirement under this application is 6,000 Mcf per day, which could be increased to 7,500 Mcf per day at the buyer's request, all on an interruptible basis.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 19, 1960, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 9, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-10655; Filed, Dec. 16, 1959; 8:45 a.m.]

[Docket No. G-11024 etc.]

CONTINENTAL OIL CO. ET AL.

Notice of Hearing, and Consolidation

DECEMBER 11, 1959.

In the matters of Continental Oil Company, Docket No. G-11024; The Atlantic Refining Company, G-11034; Cities Service Production Company, G-11046, G-15330; Tidewater Oil Company, G-11049.

Take notice that, pursuant to mandates issued on November 16, 1959, by the United States Court of Appeals for the Third Circuit and filed with the Commission on November 20, 1959, In the Matters of Continental Oil Company, et al., Docket No. G-11024, et al., the proceedings upon the applications of Continental Oil Company (Continental) in Docket No. G-11024, The Atlantic Refining Company (Atlantic) in Docket No. G-11034, Cities Service Production Company (Cities Service) in Docket No. G-11046 and Tidewater Oil Company (Tidewater) in Docket No. G-11049 for certificates of public convenience and necessity as heretofore consolidated for purposes of hearing and disposition are hereby reopened for the purpose of enabling the applicants therein to adduce such additional evidence as they may deem necessary or appropriate to support or justify the initial prices there proposed in accordance with the opinion and judgment of the Supreme Court of the United States handed down on June 22, 1959, in said proceedings there styled as Atlantic Refining Company v. Public Service Commission, 360 U.S. 378.

Filings, seeking authorization to sell and deliver volumes of gas to Tennessee Gas Transmission Company (Tennessee) in addition to those originally sought in the aforesaid applications, have been made by Continental, Atlantic and Cities Service. By separate agreement with Tennessee, dated June 10, 1958, each of these three applicants has dedicated to the performance of its basic contract with Tennessee gas produced from, and attributable to, its undivided ¼ interest in four specified sands or reservoirs underlying a single lease covering Block 63, East Cameron Area, Offshore Cameron Parish, Louisiana, in addition to those specified sands or reservoirs underlying said lease as originally dedicated to the performance of the basic contracts involved.

Cities Service made its filing on June 20, 1958, in Docket No. G-15330, as an application for a certificate of public convenience and necessity. Subsequently, by order issued on February 16,

1959, in Docket No. G-15330, Cities Service was issued a permanent certificate, conditioned as to price as therein set forth, which authorized its proposed additional sale to Tennessee. This proceeding in Docket No. G-15330 is hereby reopened for further consideration and disposition along with the related matters and issues involved herein.

Continental made its filing on June 23, 1958, in Docket No. G-11024, as a motion to amend the permanent certificate of public convenience and necessity issued to it by the Commission's now vacated order of June 24, 1957. In effect, this filing is an amendment to Continental's original application in Docket No. G-11024 and is open for consideration and disposition along with the related matters and issues involved herein.

Atlantic made its filing on June 27, 1958, in Docket No. G-15374, as an application for a certificate of public convenience and necessity. Subsequently, by Commission letter dated November 17, 1959, the docket number designation of G-15374 was canceled and this filing redesignated as an amendment to Atlantic's original application in Docket No. G-11034. This filing is open for consideration and disposition along with the related matters and issues involved herein.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 12, 1960, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the aforesaid applications and amendments.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-10657, Filed, Dec. 16, 1959; 8:45 a.m.]

[Docket No. E-6915]

OKLAHOMA GAS AND ELECTRIC CO.

Notice of Application

DECEMBER 11, 1959.

Take notice that on December 4, 1959, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Oklahoma Gas and Electric Company ("Applicant"), seeking an order authorizing the purchase and acquisition of the electric distribution system of Yukon Electric Company ("Yukon"). Applicant, having its principal business office at Oklahoma City, Oklahoma, is a corporation organized under the laws of the State of Oklahoma and does business in the States of Oklahoma and Arkansas. Applicant owns and operates electric utility properties and furnishes electric service at retail in 259 communities and contiguous rural and suburban territories in Oklahoma and western Arkansas, and electric energy at wholesale for resale in 13 additional communities and to 7 rural electric cooperative associations. Yukon is a corporation organized under the laws of the State of Oklahoma and owns and operates an electric distribution system. Yukon's facilities consist of 19.92 pole miles of distribution lines, of which 7.21 pole miles are outside the corporate limits of the Town of Yukon, Oklahoma, and other related equipment and appurtenances. Yukon's facilities are used in furnishing electric service in the Town of Yukon, and environs, having an estimated population of 3,000. The purchase and acquisition by Applicant of the electric distribution system of Yukon, together with materials and supplies, accounts receivable, rights of way, easements and franchise relating thereto, is in consideration of the issue by Applicant of 11,700 shares of its Common Stock to Yukon, and assuming Yukon's customers' deposits, all in accordance with the provisions of the Agreement for Sale of Utility Assets dated November 17, 1959. Applicant states there will be no change in the use of the facilities after acquisition and Applicant will undertake all duties and legal obligations with respect to such facilities and their operations. The facilities constitute all the operating facilities of Yukon. Applicant further states that upon consummation of the transaction, the electric distribution system now owned by Yukon will be integrated into Applicant's system, its power source strengthened and its voltage uniformity improved, which will substantially improve operating efficiency in the area. Applicant also states that the electric rates of Yukon are substantially the same as its own and that the overall effect of the acquisition will result in no material change in rates.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 30th day of December 1959, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-10658, File, Dec. 16, 1959; 8:45 a.m.]

[Docket No. G-20284 etc.]

STANDARD OIL COMPANY OF TEXAS ET AL.

Order for Hearings and Suspending Proposed Changes in Rates [1]

DECEMBER 10, 1959.

In the matters of The Standard Oil Company of Texas, Docket No. G-20284; General American Oil Company of Texas, Docket No. G-20285; Shell Oil Company, Docket No. G-20286.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for the jurisdictional sales of natural gas to West Lake Natural Gasoline Company (West Lake) from the Nena Lucia, West Lake Trammell and Martex Fields, Nolan and Mitchell Counties, Texas. The proposed changes, each of which constitute an increased rate and charge of 1.4918 per Mcf—from 5.5 cents to 6.9918 cents per Mcf at 14.65 psia,[2] are contained in the following designated filings:

Docket No. G-20284

Description: Notice of Change, Undated.
Date tendered: November 10, 1959.
Rate schedule designation: Supplement No. 1 to Standard Oil Company of Texas' FPC Gas Rate Schedule No. 32.
Effective date: January 22, 1960.[3]

Docket No. G-20285,

Description: Notice of Change, dated November 6, 1959.
Date tendered: November 16, 1959.
Rate schedule designation: Supplement No. 2 to General American Oil Company of Texas' FPC Gas Rate Schedule No. 27.
Effective date: January 22, 1960.[3]

Docket No. G-20286

Description: Notice of Change, dated November 16, 1959.
Date Tendered: November 17, 1959.
Rate schedule designation: Supplement No. 2 to Shell Oil Company's FPC Gas Rate Schedule No. 173.
Effective date: January 22, 1960.[3]

Standard Oil Company of Texas (Standard Oil) and General American Oil Company of Texas (General American) propose revenue-sharing type rate increases for gas sold to West Lake. West Lake resells the subject gas to El Paso Natural Gas Company (El Paso) after treating and pays the producers 50 percent of the resale price it receives from El Paso for the residue gas with guaranteed floor prices in cents per Mcf specified in the producers contracts. The subject increases herein are based upon West Lake's favored-nation increased resale rate which was suspended by the Commission for five months until January 22, 1960, in Docket No. G-19156.

In support, Standard Oil and General American cite West Lake's suspended increased rate and submit copies of West Lake's letters advising that they are entitled to corresponding increased rates. Standard Oil offers no additional support, but General American states additionally that such pricing arrangements are common in long-term contracts and permit initial deliveries at a low priced during the time buyer's unamortized capital investment is high and provides the seller with higher returns contemporaneously with increasing costs.

Shell Oil Company (Shell) proposes a revenue-sharing rate increase for casinghead gas sold to West Lake. West Lake processes the subject gas through its gasoline plant and resells the residue

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

[2] Rate subject to refund in General American Oil Company of Texas' Docket No. G-15795. Rate subject to refund in Shell Oil Company's Docket No. G-16249.

[3] Or date when West Lake's suspended rate in Docket No. G-19156 becomes effective, whichever is later.

to El Paso. Shell's contract provides that Shell is to receive 50 percent of the amount received by West Lake for Shell's share of the residue gas sold. Shell's subject increased rate is based upon West Lake's favored-nation increased resale rate to El Paso which was suspended in Docket No. G-19156 for five months until January 22, 1960. In support, Shell submits an October 20, 1959 letter wherein West Lake advises Shell that it is agreeable to pay Shell 50 percent of the increased resale rate subject to Federal Power Commission approval. Shell also cites the contract provisions which provide for the increased rate.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, Supplement No. 1 to Standard Oil's FPC Gas Rate Schedule No. 32; Supplement No. 2 to General American's FPC Gas Rate Schedule No. 27; and Supplement No. 2 to Shell's FPC Gas Rate Schedule No. 173 are hereby suspended and the use thereof deferred until January 23, 1960, or one day from such date as West Lake's suspended rate is made effective, whichever is later and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commission may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission (Commissioner Kline dissenting, Commissioner Hussey not participating).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-10659; Filed, Dec. 16, 1959; 8:45 a.m.]

[Docket No. G-19981]

TENNESSEE GAS TRANSMISSION CO.

Notice of Application and Date of Hearing

DECEMBER 11, 1959.

Take notice that on October 28, 1959, Tennessee Gas Transmission Company (Applicant) filed in Docket No. G-19981 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of field compression facilities, and appurtenant equipment, from time to time during the calendar year 1960, as may be necessary to enable Applicant to take from presently connected production fields natural gas which would otherwise be lost to Applicant due to declining wellhead pressures and other production and operating problems, at a total cost not in excess of $1,500,000, with no single project to exceed a cost of $400,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" proposal is to enable Applicant to realize maximum recovery and full utilization of natural gas reserves presently under contract to Applicant, thus assuring the maintenance of its natural gas service.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 14, 1960, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 4, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-10660; Filed, Dec. 16, 1959; 8:45 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

OKLAHOMA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g), as amended; and in furtherance of a declaration by the President in his letter to me dated November 9, 1959, reading in part as follows:

> I hereby determine the damage in the various areas of Oklahoma adversely affected by heavy rains and floods which occurred on or about September 20 to October 6, 1959, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.
>
> In order to effect Federal assistance you are hereby authorized to allot $400,000, plus three per centum for administrative expenses from funds available for such purposes.

I do hereby determine the following areas in the State of Oklahoma to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of November 9, 1959:

Blaine.	Nowata.
Canadian.	Oklahoma.
Craig.	Osage.
Creek.	Ottawa.
Dewey.	Pawnee.
Hughes.	Payne.
Kay.	Pittsburg.
Kingfisher.	Pottawatomie.
Lincoln.	Rogers.
Logan.	Tulsa.
Muskogee.	Wagoner.
Noble.	

Dated: December 8, 1959.

LEO A. HOEGH,
Director.

[F.R. Doc. 59-10651; Filed, Dec. 16, 1959; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24FW-1194]

BISSONNET CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

DECEMBER 11, 1959.

I. Bissonnet Company (issuer), a limited partnership organized under the

Partnership Law of the State of New York, 555 Fifth Avenue, New York 17, New York, filed with the Commission on October 22, 1959 a notification on Form 1-A and an offering circular relating to an offering of limited partnership interests, in units of $5,000, for an aggregate of $285,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that:

1. The issuer has failed to file a copy of an underwriting agreement entered into between it and M. Ferer Securities, a sole proprietorship, Miami, Florida, as required by Item 11(b) of Form 1-A;

2. The issuer has failed to file the consent of M. Ferer Securities to be named an underwriter, as required by Item (c) of Form 1-A.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose the employment of an underwriter and the commissions to be paid such underwriter;

2. The failure to disclose adequately the terms upon which the partnership interests will be offered;

3. The failure to disclose that the Houston properties, consisting of land, buildings, and equipment, would be acquired subject to a mortgage of $390,000 at a stated cash price of $260,000, from Edmund L. Dorman, the general partner of the issuer, who holds an option to purchase said properties for $240,000;

4. The failure to disclose the relationship between Edmund L. Dorman, the general partner of the issuer, and the Douglas Company, the proposed lessee of the properties, after acquisition of the title thereto by the issuer;

5. The failure to disclose material and pertinent information concerning the respective rights and obligations of Edmund L. Dorman, the general partner, and the purchasers of the limited partnership interests, particularly with respect to the interests and relationships of Edmund L. Dorman, in and to the partnership enterprise and the operations of the properties through the Douglas Company, the proposed lessee, with the profits and remunerations to be received by Edmund L. Dorman therefrom

C. The offering is being and would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it is hereby, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-10675; Filed, Dec. 16, 1959; 8:47 a.m.]

[File No. 812-1265]

ONE WILLIAM STREET FUND, INC.

Filing of Application

DECEMBER 10, 1959.

Notice is hereby given that One William Street Fund, Inc. ("William Street"), a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares for substantially all of the cash and securities of Mutual Properties Corporation ("Mutual") on the basis set forth below.

Shares of William Street, a Maryland corporation, are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. As of September 30, 1959, the net assets of William Street amounted to $277,827,649 and 21,076,317 shares of its stock were outstanding.

Mutual, a Delaware corporation, is a personal holding company with eleven stockholders which engages in the business of investing and reinvesting its funds Mutual is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between William Street, Mutual and the latter's stockholders, substantially all of the cash and securities owned by Mutual, with a total value of $2,113,061 as of September 30, 1959, will be transferred to William Street in exchange for shares of stock of William Street. The shares acquired by Mutual are to be distributed immediately to its shareholders who have agreed to take such shares for investment. The number of shares of William Street to be delivered to Mutual will be determined by dividing the net asset value per share of William Street in effect at the close of business on the day preceding the closing date into the value of the Mutual assets to be exchanged.

The value of the Mutual assets will be subject to an adjustment designed to protect William Street's shareholders from possible adverse tax consequences of the exchange. Since the exchange will be tax free for Mutual and its shareholders, William Street's cost basis for tax purposes on the assets acquired from Mutual will be the same as for Mutual, rather than the price actually paid by William Street for the assets. In view of this, and the proposed immediate sale by William Street of certain securities acquired from Mutual, provision is made for the following adjustment. From the value of Mutual's assets there will be deducted 12½ percent of the unrealized appreciation on the Mutual securities that William Street intends to sell immediately upon acquisition. This adjustment is intended to protect the present shareholders of William Street from bearing an increased tax burden as a consequence of the sale of certain securities immediately upon their acquisition.

As an offset to the above adjustment there will be subtracted from it 12½ percent of the amount of undistributed realized capital gains of William Street which the shareholders of Mutual will assume upon becoming shareholders of William Street. The application states that this offset will be made in recognition that Mutual's acquisition of William Street's shares will benefit the present shareholders of William Street by relieving them of a proportionate share of the tax liability on undistributed realized capital gains.

The application states that since the average capital gains tax rate that would have to be paid by William Street's shareholders cannot be exactly calculated the figure of 12½ percent used for adjustment purposes was arrived at as a fair compromise between zero and the maximum long term capital gains tax rate of 25 percent.

As of September 30, 1959, the net unrealized appreciation on the Mutual securities William Street intends to sell immediately upon acquisition was $48,647; and the undistributed realized capital gains of William Street amounted to $9,041,556. Assuming the exchange had occurred on September 30, 1959, there would have been no deduction from the value of Mutual's assets since the offsetting factor was a greater amount than the adjustment applicable to the securities William Street proposes to sell. The application also provides for adjustments in the event that the percentage of unrealized appreciation on the Mutual securities which William Street proposes to retain exceeds the percentage of unrealized appreciation on William Street's portfolio, but these provisions were not effective as of September 30, 1959. If the transaction had been consummated on September 30, 1959, Mutual would have received approximately 170,950 shares of stock of William Street, representing about .8 percent of the total shares outstanding.

The application recites that the terms of the entire transaction were arrived at

through arm's-length bargaining between the officers of William Street and Mutual. The application further states that there is no affiliation or relationship of any kind between the officers and directors of William Street and the officers, directors, and stockholders of Mutual.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the Agreement, however, the shares of William Street are to be issued to Mutual at a price other than the public offering price stated in the prospectus, which lists a sales charge of 1 percent for sales of $500,000 or over.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transacttion from any provision of the act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 23, 1959 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-10676; Filed, Dec. 16, 1959; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-IV-18 (Amdt. 1)]

BRANCH MANAGER, WASHINGTON, D.C., BRANCH OFFICE

Delegations Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

Delegation of Authority No. 30-IV-18 (23 FR. 8381) is hereby amended: (1) By adding new subsection I.A.5 as follows:

To execute loan authorizations for Washington and Regional Office approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator
By ----------
(Name)
Branch Manager

(2) Renumber existing paragraphs 5 through 7 as 6 through 8.

(3) Deleting Part II in its entirety and substituting in lieu thereof the following:

II. The authority delegated in I.A. 1, 2, 3, 4, 5, 7, and 8, and I.B. may not be redelegated.

Effective date: November 5, 1959.

CLARENCE P. MOORE, *Regional Director, Richmond Regional Office.*

[F.R. Doc. 59-10679; Filed, Dec. 16, 1959; 8:47 a.m.]

[Delegation of Authority 30-IV-24]

MANAGER, DISASTER FIELD OFFICE, CHARLESTON, S.C.

Delegation Relating to Financial Assistance and Administrative Services

Notice is hereby given that this Delegation is rescinded in its entirety.

Effective date: December 7, 1959.

CLARENCE P. MOORE, *Regional Director, Small Business Administration, Region IV.*

[F.R. Doc. 59-10680; Filed, Dec. 16, 1959; 8:47 a.m.]

[Delegation of Authority 30-V-11 (Revision 1)]

BRANCH MANAGER, JACKSON, MISS.

Delegations Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 5), (24 F.R. 7713), there is hereby delegated to the Branch Manager, Jackson Branch Office, Small Business Administration, the authority:

A. *Specific—Financial assistance.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA-500, Financial Assistance Manual:

1. To approve but not decline the following types of loans:

a. Direct Business Loans not in excess of $20,000.

b. Participation Business loans in an amount not in excess of $100,000.

2. To approve or decline disaster loans not in excess of $50,000.

3. To approve or decline Limited Loan Participation Loans.

4. To enter into Disaster Participation Agreements with banks.

Procurement and technical assistance. To take the following actions in accordance with the limitations of such delegations as set forth in SBA-400, Agency Policy Manual, and SBA-600, Procurement and Technical Assistance Manual:

5. To develop with government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

Administrative. 6. To administer oaths of office.

7. To approve annual and sick leave for employees under his supervision.

8. To make emergency purchases not in excess of $10.00 in any object class in any one instance, but not more than $25.00 in any one month for total purchases in all object classes.

9. In connection with the establishment of Disaster Loan Offices, to: (a) Obligate SBA to reimburse General Services Administration for the rental of office space; (b) Rent office equipment; (c) Procure (without dollar limitation) emergency supplies and materials.

B. *Correspondence.* To sign all correspondence, including Congressional correspondence, relating to the functions of the branch office, except communications involving policy matters.

II. The specific authority delegated herein may not be redelegated, with the exception of I.B., such redelegation being limited to routine correspondence only.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Jackson, Mississippi, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: December 1, 1959.

JAMES F. HOLLINGSWORTH, *Regional Director.*

[F.R. Doc. 59-10682; Filed, Dec 16, 1959; 8:47 a m]

[Delegation of Authority 30-IV-26]

MANAGER, DISASTER FIELD OFFICE, BEAUFORT, S.C.

Delegation Relating to Financial Assistance and Administrative Services

Notice is hereby given that this Delegation is rescinded in its entirety.

Effective date: December 7, 1959.

CLARENCE P. MOORE, *Regional Director, Small Business Administration, Region IV.*

[F.R. Doc. 59-10681; Filed, Dec 16, 1959; 8:47 a m]

ALLIED SPECIALTIES CO.

Notice of Additional Company Accepting Request To Participate in a Small Business Production Pool

Pursuant to section 11 of the Small Business Act (Pub. Law 85-536), the name of the following company which has accepted the request to participate in the operations of The Allied Specialties Company is herewith published. The original list of companies accepting such request was published on August 1, 1953 in 18 F.R. 4529.

JO-ED Manufacturing Company, 2217 Wakeling Street, Philadelphia 37, Pennsylvania.

Dated: November 23, 1959.

PHILIP MCCALLUM,
Administrator.

[F R Doc. 59-10677; Filed, Dec. 16, 1959; 8:47 a.m.]

GENERAL TIRE PRODUCTION POOL, INC.

Notice of Withdrawal of Request To Operate and Participate in a Small Business Production Pool

The request to the General Tire Production Pool, Inc., to operate as a small business production pool, and to certain companies to participate in the operations of said pool, and the approval of the voluntary program submitted for the operation of said pool, as set forth in 17 F.R. 8112, dated September 6, 1952, are hereby withdrawn.

Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act, which was also granted, is terminated; except that nothing stated herein shall affect the immunity of said production pool and its participating members for those acts performed or omitted during the period when such request and approval of said pool were in effect.

Dated: November 30, 1959.

PHILIP MCCALLUM
Administrator.

[F R Doc 59-10678, Filed, Dec 16, 1959; 8 47 a m]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 14, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No 35889: *Live stock from Mississippi River crossings to western points.* Filed by Southwestern Freight Bureau, Agent (No. B-7701), for interested rail carriers. Rates on live stock, in carloads from Baton Rouge and New Orleans, La., Natchez and Vicksburg, Miss., and Memphis, Tenn.

Grounds for relief: Short-line distance formula, grouping, and relief line arbitraries.

Tariff: Supplement 94 to Southwestern Freight Bureau tariff I.C.C. 4013.

FSA No. 35890: *Substituted service—PRR for Midwest Haulers, Inc.* Filed by Midwest Haulers, Inc., Agent (No. 16), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago, Ill., and Columbus, Ohio, and between Pittsburgh, Pa., and Cincinnati, Ohio, on traffic originating at or destined to points in territories described in the application.

Grounds for relief: Motor-truck competition.

FSA No. 35891: *Substituted service—Monon Railroad for Midwest Haulers, Inc.* Filed by Midwest Haulers, Inc., Agent (No. 17), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago, Ill., and Hammond, Ind., on the one hand, and Louisville, Ky., and Indianapolis, Ind., on the other, on traffic originating at or destined to points in territories described in the application.

Grounds for relief: Motor-truck competition.

FSA No. 35892: *Substituted service—NYNH&H, Erie and PRR for Midwest Haulers, Inc.* Filed by Midwest Haulers, Inc., Agent (No. 18), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Providence, R.I., and Worcester, Mass., on the one hand, and Chicago and East St. Louis, Ill., and Cincinnati, Ohio, on the other, on traffic described in the application.

Grounds for relief: Motor-truck competition.

FSA No. 35893: *Dense soda ash—Eastern origins to Oklahoma and Ft. Smith, Ark.* Filed by Southwestern Freight Bureau, Agent (No. B-7702), for interested rail carriers. Rates on dense soda ash, in bulk, or in bulk in bags, in carloads from specified points in Michigan, New York, Ohio and Virginia to points in Oklahoma, and Ft. Smith, Ark.

Grounds for relief: Market competition.

Tariffs: Supplement 210 to Southwestern Freight Bureau tariff I.C.C. 4178. Supplement 1 to Southwestern Freight Bureau tariff I.C.C. 4337.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-10671; Filed, Dec. 16, 1959; 8:46 a.m.]

[Notice No. 236]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 14, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62341. By order of December 11, 1959, the Transfer Board approved the transfer to Charles R. Polly, doing business as PYN Bus Line, 605 East 17th Street, Yankton, South Dakota, of a portion of Certificate in No. MC 1088, issued April 29, 1954, to Inter City Bus Line, Inc., 420 West Third Street, Yankton, South Dakota, authorizing the transportation of passengers, etc., between specified points in South Dakota and Nebraska.

No. MC-FC 62628. By order of December 10, 1959, the Transfer Board approved the transfer to Charles Adamowitch, Dunstable, Mass., of a portion of Certificate No. MC 69785 Sub 1, issued June 4, 1959, to F. C. Davis Transportation Company, Inc., Danielson, Connecticut, authorizing the transportation of: Lumber, from Danielson, Conn., to Boston, Mass., and from points in that part of Connecticut, Massachusetts, and Rhode Island, within 35 miles of Danielson, Conn., to points in Massachusetts, Rhode Island and Connecticut. Andre J. Barbeau, 795 Elm Street, Manchester, N.H., for applicants.

No. MC-FC 62648. By order of December 10, 1959, the Transfer Board approved the transfer to General Beverages of Minnesota, Inc., 2755 Highway 55, St. Paul 18, Minnesota, of a Permit in No. MC 1827 Sub 27 issued June 11, 1958 to K.W. McKee, Incorporated, 2811 Highway 55, St. Paul 18, Minnesota, authorizing the transportation of liquid sugar, in bulk, in tank vehicles, from points in Eagan Township, Dakota County, Minn., to points in Iowa, North Dakota, South Dakota, and Wisconsin.

No. MC-FC 62658. By order of December 10, 1959, the Transfer Board approved the transfer to George L. Pearce and Harold H. Pearce, a partnership, doing business as Pearce Transfer Co., 715 Second St., Henderson, Ky., of Certificate in No. MC 1037, issued May 27, 1949, to George L. Pearce, doing business as Pearce and Childress Truck Line, Henderson, Ky., authorizing the transportation of: Household Goods as defined in *Practices of Motor Common Carriers of Household Goods*, between Henderson, Ky., on the one hand, and, on the other, Nashville, Tenn., and points in Indiana, and Illinois.

No. MC-FC 62672 By order of December 10, 1959, the Transfer Board approved the transfer to Inez Lumsden Chapman, doing business as I L Chapman, Mineral, Virginia, of the operating rights in Permits Nos MC 2129 and MC 2129 Sub 1, issued by the Commission

February 2, 1942, and January 17, 1950, respectively, to J. M. Chapman, Pendleton, Virginia, authorizing the transportation, over irregular routes, of lumber, piling, and cedar posts, fertilizer, sawmill machinery and equipment, to and from specified points in Virginia, Delaware, Maryland, Pennsylvania, and the District of Columbia. W. W. Whitlock, Mineral, Virginia, for applicants.

No. MC-FC 62680. By order of December 10, 1959, the Transfer Board approved the transfer to Clarence W. Steffen, Crofton, Nebraska, of Certificate in No. MC 88480, issued November 21, 1938, to Edward Hegge, Constance (P.O. Crofton), Nebraska, authorizing the transportation of: Livestock, from Constance, Nebr., and farms and towns in various specified townships of counties in Nebraska to Sioux City, Iowa, and Yankton, S. Dak.; and building materials, farm implements, feed, grain, livestock, lumber, machinery, seed and twine from Sioux City and Yankton to the various points listed above.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-10672; Filed, Dec. 16, 1959; 8:46 a.m.]

UTAH PARKS CO.

Status of Work of Certain Employees

[Ex Parte No. 72 (Sub-No. 1)]

In the matter of directing modified procedure in a proceeding to determine whether bus operators and mechanics employed by Utah Parks Company are employees within the meaning of section 1(5) of the Railway Labor Act, as amended.

Upon consideration of the petition of Utah Parks Company for determination of the status of work of certain of its employees under section 1(5) of the Railway Labor Act, and good cause appearing:

It is ordered, That this petition be assigned for hearing under the modified procedure and the issuance of hearing examiner's proposed report; that the parties comply with Rules 1.45 to 1.54, inclusive, of the Commission's general rules of practice, the filing and serving of pleadings to be as follows: (a) Opening statement of facts and argument by complainant (and any party supporting complainant) on or before January 4, 1960, (b) 30 days after that date, statement of facts and argument by defendant (and any supporting party); and (c) reply by complainant (and any supporting party) 10 days thereafter.

It is further ordered, That a request for a change in any due date for the filing of any pleading under the modified procedure need not be made formally by petition but may be made in writing, and disposed of without an order in accordance with the provisions of Rule 1.21(b) of the general rules of practice.

Dated at Washington, D.C., this 30th day of November A.D. 1959.

By the Commission, Commissioner Freas.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-10673; Filed, Dec. 16, 1959; 8:46 a.m.]

[Notice 107]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 11, 1959.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)), and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-730 (Deviation No. 4) PACIFIC INTERMOUNTAIN EXPRESS CO., 14th and Clay Streets, P.O. Box 958, Oakland 4, Calif. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Hastings, Nebr., over U.S. Highway 6 to Sterling, Colo., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent authorized service routes as follows: From Omaha over Nebraska Highway 38 to junction Nebraska Highway 50, thence over Nebraska Highway 50 to Millard, Nebr., thence over Nebraska Highway 31 to junction U.S. Highway 6, thence over U.S. Highway 6 to Lincoln, Nebr., thence over U.S. Highway 34 to junction U.S. Highway 281 (also from Lincoln over U.S. Highway 6 to junction Nebraska Highway 15, thence over Nebraska Highway 15 to junction U.S. Highway 34 near Seward, Nebr.), thence over U.S. Highway 281 to Grand Island, Nebr., thence over U.S. Highway 30 via Ogallala, Nebr., to Cheyenne, Wyo., thence over U.S. Highway 85 via Greeley, Colo., to Denver; from Omaha to Ogallala, Nebr., as specified above, thence over U.S. Highway 30 to junction U.S. Highway 138, thence over U.S Highway 138 to Sterling, Colo., thence over U.S. Highway 6 to Brush, Colo., thence over U.S. Highway 34 to Greeley, Colo., thence as specified above to Denver, and return over the same routes.

No. MC-8600 (Deviation No. 1) WEINER TRANSPORTATION CO., 2601 32d Ave., South, Minneapolis 6, Minn., filed December 3, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities* with certain exceptions, over a deviation route as follows: From Hudson, Wis., over U.S. Highway 94 to Eau Claire, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Hudson and Eau Claire over U.S. Highway 12.

No. MC 17481 (Sub No. 2) (Deviation No. 1), MOORE MOTOR FREIGHT LINES, INC., 2091 Kasota Ave., St. Paul 14, Min., filed November 23, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: from Hudson, Wis., over U.S. Highway 94 to Eau Claire, Wis., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Hudson and Eau Claire over U.S. Highway 12.

No. MC-30175 (Deviation No. 1) GAY'S EXPRESS INC., Saxon's River Road, Bellows Falls, Vt., filed November 25, 1959. Attorney Kenneth B. Williams, 111 State Street, Boston, Mass. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over deviation routes as follows: (a) From the eastern terminus of the Massachusetts Turnpike at the junction of Massachusetts Highway 128 in Weston, Mass., over the Massachusetts Turnpike to the Massachusetts-New York State line near West Stockbridge, Mass., thence over the Berkshire section of the New York Thruway to Selkirk, N.Y.; and thence over the New York Thruway to Albany, N.Y.; and (b) from Albany, N.Y., over the New York Thruway and access routes to New York, N.Y., and return over the same routes for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Boston over Massachusetts Highway 2 to the Massachusetts-New York State line, thence over New York Highway 2, (formerly New York Highway 96) to Troy, N.Y., thence over New York Highway 32 to Albany, (also from Boston to Greenfield, as above specified) thence over U.S. Highway 5 to Brattleboro, Vt., thence over Vermont Highway 9 to the New York-Vermont State line, thence over New York Highway 7 to Troy, and thence over New York Highway 32 to Albany) (also, from Boston to Greenfield as specified above,) thence over U.S. Highway 5 to west Springfield, and thence over U.S. Highway 20 to Albany; from Worcester over Massachusetts

Highway 12 to junction Massachusetts Highway 40, thence over Massachusetts Highway 140 to junction Massachusetts Highway 2 (also, from Worcester to Fitchburg, operating from Worcester over Massachusetts Highway 12 to Fitchburg and thence as specified above to Albany); from Albany over U.S. Highway 9W to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y., and return over the same routes.

No. MC–52958 (Deviation No. 1) HENNEPIN TRANSPORTATION CO., INC., 23 Northeast Fourth Street, Minneapolis 13, Minn., filed November 27, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Hudson, Wis., over U.S. Highway 94 to Eau Claire, Wis., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Hudson and Eau Claire over U.S. Highway 12.

No. MC–77404 (Deviation No. 2) MOHAWK MOTOR INC., 40 Harrison Street, Tiffin, Ohio, filed December 4, 1959. Attorney Taylor C. Burneson, 3430 Leveque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Bellevue, Ohio, over Ohio Highway 18 to Tiffin, Ohio and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent authorized service routes as follows: From Bellevue over U.S. Highway 20 to Clyde, Ohio, and thence over Ohio Highway 101 to Tiffin, and return over the same route.

No. MC–107605 (Deviation No. 1) UNITED SHIPPING CO., 2601 Broadway Road, Minneapolis 13, Minn., filed December 2, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Hudson, Wis., over U.S. Highway 94 to Eau Claire, Wis., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Hudson and Eau Claire over U.S. Highway 12.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–10633; Filed, Dec. 15, 1959; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

A numerical list of parts of the Code of Federal Regulations affected by documents published to date during December. Proposed rules, as opposed to final actions, are identified as such.